

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL SCHILLER, et al.,

04-CV-7922 (RJS) (JCF)

Plaintiffs,  
-against-

CITY OF NEW YORK, ET AL.,

Defendants.

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RNC CONSOLIDATED CASES<sup>1</sup>

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**DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT  
OF THEIR MOTION FOR SUMMARY JUDGMENT TO DISMISS PLAINTIFFS'  
FALSE ARREST CLAIMS AT CHURCH AND FULTON STREETS**

Defendants submit that, based upon the factual record in this case, the following material facts are undisputed as contemplated by Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York:<sup>2</sup>

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<sup>1</sup> Defendants submit this Statement of Undisputed Facts in the following cases: *Schiller v. City of New York*, 04 CV 7922; *Abdell v. City of New York*, 05 CV 8453; *Macnamara v. City of New York*, 04 CV 7921; *Pagoda v. City of New York*, 05 CV 7546; *Meehan v. City of New York*, 05 CV 5268; and *Botbol v. City of New York*, 05 CV 1572.

<sup>2</sup> To the extent that defendants have construed the facts for purposes of this motion in the light most favorable to the plaintiffs, defendants reserve their rights to put in evidence and argue otherwise in the event of any trial and for any purposes other than this motion.

**NYPD Was Responsible For Securing The City's Safety During The 2004 Republican National Convention, And Accommodated The First Amendment Rights Of Protesters**

1. Throughout the 2004 Republican National Convention (“RNC”), the NYPD was responsible for the safety and security of the City, its inhabitants, protesters and visitors, and its buildings and property. (Smolka Decl. ¶¶ 2, 12;<sup>3</sup> Monahan Depo. (I) 35:23-36:6; Galati Depo. (I) 201:23-202:6; RNC Executive Summary, Mission Statement [Weiler Decl., Exhibit B], p. 1).

2. Before the RNC, the NYPD anticipated that the City would see a volume of protest activity not seen in decades, with potentially hundreds of thousands of protesters coming to the City to demonstrate. (Smolka Decl., ¶ 7).

3. At the same time, the NYPD had a mandate to facilitate the rights of others to peacefully assemble and protest during the Convention. (Weiler Decl., Exhibit B, pp. 1, 9; Graham Depo. 458:17-20, 582:11-16).

4. Accordingly, the NYPD granted a number of permits for RNC-related demonstrations, and set up a demonstration area within sight and sound of Madison Square Garden (“MSG”), the site of the Convention. (Smolka Decl. ¶¶8-9; Sweet Depo. 36:8-9; Demonstration Area Subcommittee Summary & Self Critique, pp. 2, 8 [Weiler Decl., Exhibit C]).

**NYPD Was Advised Of The Possibility Of Violence And Citywide Disorder On August 31, 2004**

5. Before and during the RNC, protesters called for a “day of civil disobedience” on August 31, 2004, or “A-31.” (Becker Depo. 86:9-16; Beeny Depo. 74:15-24;

Benn Depo. 47:17-23; Bhalla Depo. 73:8-20; Colville Depo. 131:23-25; D'Ornellas Depo. 73:11-16, 82:1-4; Fiorentini Depo. 49:17-20; Gamboa Depo. 161:1-6, 166:7-12; Goldberg Depo. 103:1-15; Gross Depo. 51:9-21; Harak Depo. 150:24-151:7; Hedemann Depo. 43:13-20; Hunt Depo. 61:7-11; Janney Depo. 58:5-10, 74:5-11, 75:2-8; Kanouse Depo. 104:21-105:1; Kern Depo. 80:1-12; Laken Depo. 52:9-12, 54:6-7; Migliore Depo. 80:18-23; Z. Miller Depo. 95:8-10, 127:16-24; Parry Depo. 125:10-12; Robinson Depo. 146:20-21, 147:23; Rochfort Depo. 97:8-11, 101:8-14; Stephens Depo. 75:25-76:11; Tepsic Depo. 26:1-25; Trinkl Depo. 70:6-18; Williamson Depo. 122:10-14; Monahan Depo. (I) 78:8-79:19, 80:8-14; Galati Depo. (I) 239:3-16; End User Reports [Weiler Decl., Exh. 4], Bates Nos. 102711, 102731, 102742, 102754, 102761, 102765, 102792, 102835, 102852, 102915, 103002-103004, 103011-103014, 103024-103033).

6. Before being deployed at Church and Fulton Streets in lower Manhattan on August 31, 2004, NYPD officers were advised that there were would be large-scale disruptions, violence, and property damage throughout the City by different groups during the course of demonstrations throughout the day. (Galati Depo. (I) 239:3-16, 240:9-21; Monahan Depo. (I) 78:8-79:19, 80:8-14; Monahan Depo. (II) 348:12-349:2, 437:23-439:7; J. Shea Depo. 91:17-92:2).

7. Officers were on a more “heightened state of alert” on August 31 than on other days during the Convention. (Monahan Depo. (II) 448:15-19).

8. As anticipated, NYPD encountered City-wide disorder on August 31, 2004. (Galati Depo. (I) 91:15-92:14, 98:16-100:06, 198:4-22; Monahan Depo. (I) 146:7-147:3, 148:2-150:15; Monahan Depo. (II) 266:14-267:12).

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<sup>3</sup> Unless otherwise indicated, all abbreviated citations are defined in the Supplemental Glossary

**The Church/Fulton Street March Was Part Of the A-31 Planned Day Of Civil Disobedience**

9. The New York City chapter of the War Resisters League (“WRL”) planned a march for August 31, 2004 from the World Trade Center Site to MSG. (Galati Depo. (I) 88:6-14, 218:8-219:9, 220:2-8; Harak Depo. 8: 20-24; Hedemann Depo. 45:13-16, 46:25-47:11, 78:12, 133:17-25; Hedemann Depo. Exhs. K, N, O).

10. The WRL was part of an “A-31 Coalition” that called for a day of civil disobedience on August 31, 2004, and WRL members and plaintiffs Ed Hedemann and Ruth Benn planned for the WRL march to coincide with other A-31 Coalition events at which civil disobedience was to take place. (Hedemann Depo. 46:25-47:11, 80:17-22; Hedemann Depo. Exh. K; Steyert Depo. (II) 314:15-25, 315:11-14).

11. The WRL expected at least a hundred people, and possibly more than that, to turn out for the march. (Hedemann Depo. 82:8-9; Steyert 50(h) 15:17-16:2).

12. The WRL planned for the march not to become too “distended” or “disconnected” or “scattered.” (Hedemann Depo. 82:23-84:17).

13. The WRL planned for the marchers to proceed as a single, coordinated visible presence. (Hedemann Depo. 84:16-25).

14. The WRL publicly called for the marchers to engage in civil disobedience during the march in the form of staging a “die-in” either at MSG or, if marchers were stopped from reaching the floor of MSG before that point, staging a “die-in” wherever the march was stopped. (Hedemann Depo. 41:17, 58:6, 133:20-25; Hedemann Depo. Exhs. K, N, O; Robinson Depo. 201:10-12; Steyert Depo. (II) 340:24-341:2).

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to Defendants’ 56.1 Statement annexed hereto as Exhibit A.

15. The WRL's plans for the march were heavily publicized beforehand. (Behling Depo. 53:11-16; Benn Depo. 42:5-6; Church Depo. 104:1-5; Ditman Depo. 70:1-5, 73:17-21; Harak Depo. 17:1-18; Hedemann Depo. 147:2-14, 250:7-15; Hedemann Depo. Exh. O, p. 3; Joseph Depo. 65:20-23; Kantor CCRB, p. 2; Knapp Depo. 73:17-19, 78:2-80:9; Murray 50(h) 16:19-17:3, 27:14-17; Pardew Depo. 112:3-15, 116:14-15, 118:2-10, 133:8-24, 134:6-12, 137:24-138:12; Raimondi Depo. 269:4-7, 270:11-14; Robinson Depo. 201:10-12; Steyert Depo. (II) 316:22-317:5, 337:12-18, 355:21-356:8; Williamson Depo. 90:7-12; Wu Depo. 51:7-12).

16. Plaintiffs were aware of the WRL's plans, including the call for a die-in either on the floor of MSG or wherever police stopped the march before that point. (Barfield Depo. 70:13-15, 138:7-14; Barfield 50(h) 39:5-13; Barrows Depo. 39:23-25, 41:25-42:2; Becker Depo. 80:24-81:1, 81:13-16, 82:3-6, 122:3-22; Beeny Depo. 75:6-10, 80:7-10; Behling Depo. 53:6-10, 53: 22-23, 58:20-24; Benn Depo. 41:8-12, 48:14-15; Bhalla Depo. 74:12-15; Burns Depo. 134:4-9, 135:6-7; Capps Depo. 42:19-43:1; Cavanagh Depo. 52:2-22; Church Depo. 104:17-21; Colville Depo. 102:15-103:4; Conwell Depo. 167:4-18, 174:7-10; R. Curley Depo. 25:22-25; Davies Depo. 29:11-30:19; Davis Depo. 41:15-21, 87:16-19; Debruhl Depo. 63:3-8, 67:9-13, Debruhl 50(h) 14:11-15:10; Dickerson Depo. 11:24-12:1, 55:25-56:8; Dietzen Depo. 34:18-22, 40:6-8; Ditman Depo. 74:8-10; Doggett Depo. 84:11-23, 87:25-88:8, 92:2-4, 92:17-93:2; D'Ornellas Depo. 74:7-17, 82:1-4; Ekberg Depo. 34:5-13; Evans Depo. 36:13-25, 187:14-17; Feinstein Depo. 27:2-6, 111:7-15, 112:4-8; Fiorentini Depo. 46:11-14, 47:7-48:2; Gale Depo. 181:3-12; Gamboa Depo. 154:2-155:2; G. Gaster Depo. 51:13-24; Glick Depo. 39:10-15, 41:8-19, Glick 50(h) 31:11-32:2; Goldberg Depo. 103:19-104:4, 108:14-20; Gordon Depo. 85:23-86:2, 91:6-8, 91:24-92:3; Gordon 50(h) 30:9-14; Gross Depo. 52:1-10, 55:7-10; Harak Depo. 17:19-18:2, 18:19-24, 48:9-15; Harak 50(h) 9:8-9; Hill Depo. 193:23-194:1, 194:16-18, 202:7-

10; Hotchkiss Depo. 12:15-19, 73:16-24, 83:5-9; Janney Depo. 75:17-24, 76:8-13, 88:8-13; Janney 50(h) 28:15-22; Joseph Depo. 65:24-66:4, 78:12-14; Kern Depo. 80:16-24; Kinane Depo. 9:1-17, 128:1-5; Knapp Depo. 62:1-9, 78:2-80:16; Kocek Depo. 74:1-12, 77:22-78:7; Kressley Depo. 41:18-21; Laken Depo. 53:14-15, 54:6-7; Logan Depo. 71:4-7, 105:15-18; Marx Depo. 52:22-53:6, 137:8-10; Meehan Depo. 24:26-25:9, 26:18-20; Meisinger Depo. 53:7-22; J. Miller Depo. 12:16-13:6; Z. Miller Depo. 115:13-18, 120:10-11, 128:3-8, 129:13-130:6, 132:10-14, 137:11-14; Murray Depo. 56:16-18; Parry Depo. 40:17-21, 128:11-16; Pardew Depo. 131:9-12; Paterson Depo. 7:16-17, 61:8-11, 16-18, 88:12-15; Petrello Depo. 64:1-2; Petrick Depo. 70:1-2; Poe Depo. 70:17-24, 71:5-7; Raimondi Depo. 240:4-17, 306:17-21, 315:4-5, 317:2-12, 324:22-24, 350:21-25, 352:14-353:2; Richins Depo. 79:6-9, 83:17-19; Riverbend Depo. 102:11-12; Robinson Depo. 148:18-21, 201:10-12; Rochfort Depo. 92:16-20, 93:8-22, 94:23-25; Rosenberg Depo. 100:6-12, 115:13-16; Rueckner Depo. 35:8-10; St. Laurent Depo. 97:15-98:7; Sanchez Depo. 37:06-37:07; San Marchi Depo. 73:5-6; Scofield Depo. 82:12-22, 133:23-24; Siegel Depo. 12:24-13:1, 52:1-9; Stephens Depo. 76:19-78:1; Steyert Depo. (I) 23:23-24:8; Steyert Depo. (II) 339:15-22; Tepsic Depo. 21:16-22:11; Trinkl Depo. 16:12-23, 17:3-9; Williamson Depo. 90:7-12, 93:2-7, 122:18-123:9; J. Wilson Depo. 47:23-48:10; Wright Depo. 57:10-15, 61:1-3, 62:1-7).

### **The March Lacked A Permit**

17. In planning for the march, the WRL chose not to apply for a permit. (Benn Depo. 51:5-13; Hedemann Depo. 80:8; Steyert Depo. (II) 331:19-332:18).

18. The press materials that the WRL circulated before the march stated that “[no] permits have been granted nor have they been sought” from the City for A-31 events, including the WRL march. (Hedemann Depo. Exh. K).

19. Before the march began, NYPD officers were aware that the march lacked a permit. (Galati Depo. (III) 561:7-17, 629:3-10; J. Shea Depo. 91:10-13, 99:10-12; DeEntremont Depo. 28:4-9; Martinoff Depo. 163:9-24).

20. Before the march began, plaintiffs were aware that the march lacked a permit. (Amato Depo. 99:21-100:8, 105:16-18; Beeny Depo. 110:1-4; Benn Depo. 51:5-13; Bernard Depo. 142:10-12, 143:3-5; Bhalla Depo. 12:19-21; Catchpole Depo. 61:2-6; Church Depo. 155:21-24; Crane Depo. 46:11-17; N. Curley Depo. 83:15-84:4, 143:19-24, 167:25-168:5; Davis Depo. 19:16-17; Doggett Depo. 89:11-23, 117:2-5; D'Ornellas Depo. 86:5-14; Ekberg Depo. 36:13-37:2, 41:3-5, 146:13-19, 150:12-19; Feinstein Depo. 87:25-88:7; Gale Depo. 95:1-6; G. Gaster Depo. 34:25-35:4; Gibbons Depo. 25:21-26:2, 26:11-12; Glick Depo. 42:17-20, 49:20-23; Glick 50(h) 37:8-14; Goldberg Depo. 10:5-7, 113:2-5; Gordon Depo. 94:22-24; Gordon 50(h) 30:25-31:4; Gross Depo. 17:24-18:3, 56:22-24; Harak Depo. 23:3-8; Hardie Depo. 12:18-25, 53:1-4; Hedemann Depo. 80:8, 189:3-8; Hill Depo. 226:16-18; Janney Depo. 81:17-24, 92:25-93:9; Joseph Depo. 8:17-19, 79:12-20, 80:6-9; Kanouse Depo. 51:4-15; Kern Depo. 8:18-20, 107:18-20, 108:20-24; Kinane Depo. 12:6-15; Kressley Depo. 9:6-9; Laken Depo. 101:11-12; LaLonde Depo. 70:15-17; Larson Depo. 14:8-11, 101:24-102:2; Lovecchio Depo. 41:20-25; Lovecchio 50(h) 8:2-17; Meehan Depo. 27:11-14; Meisinger Depo. 71:4-6; Migliore Depo. 90:20-23, 91:15-17, 121:22-24; J. Miller Depo. 14:4-8; Z. Miller Depo. 136:14, 147:3; Pagoda Depo. 131:20-132:1; Pagoda 50(h) 23:25-24:11; Pardew Depo. 10:7-8; Parry Depo. 7:17-18, 41:23; Paterson Depo. 87:23-88:3; Petrello Depo. 9:24-10:6, 64:5-6; Poe Depo. 8:16-21; Raimondi Depo. 318:8-11; Raimondi 50(h) 23:25-24:2; Raymond Depo. 105:13-15; Renwick Depo. 58:25-59:23; Renwick CCRB, p. 5; Richins Depo. 11:22-12:4, 31:17-33:11, 85:3-13; Riverbend Depo. 93:9-96:24; Rosenberg Depo. 100:15-23; Rueckner Depo. 34:24-25;

St. Laurent Depo. 106:23-107:3, 133:9-17; Scofield Depo. 42:22-24; A. Sensiba Depo. 10:13-14; G. Sensiba Depo. 36:13-17, 55:7-9; Siegel Depo. 25:7-10; Stephens Depo. 102:9-17; Steyert Depo. (II) 404:11-15, 432:14-16, 456:21-457:2, 470:9-16, 473:20-25; Tepsic Depo. 19:25-20:5, 23:6-7; Williamson Depo. 95:20-22; Wright Depo. 11:20-24, 58:22-23; Wu Depo. 11:2-4, 84:2-4).

21. Before the march began, NYPD informed the marchers that they had no permit to march. (Falcon Depo. 19:20-20:6; Galati Depo. (I) 246:11; Galati Depo. (III) 591:25; Jackson Depo. 9:17-10:5, 52:12-53:6; Monahan CCRB, p. 29; O'Sullivan Depo. 26-27; O'Connor CCRB, p. 15; Rivers Depo. 81:22-82:1, 84:15-86:17; D. Shea Depo. 70:15-72:9).

### **NYPD Was Generally Aware Of The WRL's March Plans**

22. NYPD was aware of the WRL's march plans. (Galati Depo. (I) 100:19-25, 218:8-219:9; Monahan Depo. (I) 141:25-142:4; Monahan Depo. (II) 282:15-25, 284:20-25; J. Shea Depo. 90:21-91:13).

23. Before deployment on August 31, 2004, to the World Trade Center Site, NYPD commanders were advised of the possibility of an unpermitted march "of unknown size" at that location. (Monahan Depo. (II) 280:10-15; Monahan CCRB, p. 13; Galati Depo. (I) 218:8-219:9; Galati Depo. (III) 566:22-25, 567:14-18; DeEntremont Depo. 193:13-20).

24. NYPD was aware that the WRL's planned march would include a die-in at MSG. (Monahan Depo. (II) 282:15-25, 284:20-25; J. Shea Depo. 90:21-91:13, 99:6-10).

25. Officers were aware of the possibility that there could be violence or disorder during the march. (Galati Depo. (I) 219:15-22, 220:6-8; Monahan Depo. (II) 439:8-14).

26. NYPD Chief Terence Monahan assigned Inspector Thomas Galati to go down to the area of the World Trade Center and cover the WRL march. (Monahan Depo. (II) 279:22-280:2; Monahan CCRB, p. 8; Galati Depo. (III) 569:21-24).

27. Inspector Galati went down to the World Trade Center vicinity before the march's publicized starting time of 4:00 P.M. (Hedemann Depo. Exh. K, p. 1; Galati Depo. (III), 569:21-22, 577:22-25).

28. Inspector James Shea, who reported to Inspector Galati, arrived on the scene and spoke with Galati before the march began. (J. Shea Depo. 92:11-15, 96:10-19).

29. Shortly before the march, earlier that day and at another location in lower Manhattan, Christopher Dunn, NYCLU's Associate Legal Director, had advised Chief Monahan that the WRL march would involve only "around 30 protesters" and would be a "non-event." (Monahan Depo. (I) 150:12-19, 154:24-155:3; Monahan (II) 285:7-11; Monahan CCRB, pp. 8, 14).

30. However, despite Mr. Dunn's representation to Monahan, and contrary to the WRL's own anticipation of a small number of marchers, a crowd of hundreds congregated at the WTC Site before the march's planned start time of 4:00 p.m. (Video Compilation [Weiler Decl., Exhibit A] ("Video Comp."), Chapter 1; Monahan Depo. (I) 154:3-8, 154:24-155:3; Monahan CCRB, p. 34; J. Shea Depo. 94:12-15, 95:9-15; Rivers Depo. 78:21-79:5; Venice Depo. 51:15-25; D. Shea Depo. 66:13-16; Stanich Depo. 19:20-22; N. Curley 50(h) 8:19-22; R. Curley 50(h) 10:21-11:6; Fiorentini Depo. 50:22-24, 52:23-53:2, 64:9-15; Murray 50(h) 19:5-22; Pardew Depo. 61:5-21, 63:12-19; Schiller Depo. 31:12-19, 32:15-18; Steyert 50(h) 15:17-16:2).

**Before The March Began, NYPD Commanders Discussed The Route Of The March With The WRL's Ed Hedemann, The March Organizer**

31. Before the march began, the WRL's Ed Hedemann identified himself to NYPD commanders as a march leader or organizer. (Galati Depo. (I) 101:17-102:14; J. Shea Depo. 98:10-15; DeEntremont Depo. 36:23-38:22; O'Sullivan Depo. 26:10-14).

32. Inspector Galati spoke with Hedemann about the march. (Galati Depo. (I) 108:10-11; Hedemann Depo. 202:1-214:10; Harak Depo. 39:18-40:11, 157:19-25; Raimondi Depo. 316:17-22, 347:22-348:5, 354:4-14, 356:7-12, 358:18-21; Steyert Depo. (II) 348:11-20).

33. The WRL intended to march from the World Trade Center Site west to Broadway, then northbound on Broadway toward Madison Square Garden. (Hedemann Depo. Ex. O; Steyert Depo. (I) 23:23-25).

34. Hedemann advised Galati that "he could have 200 or 2000" protesters participate in the march. (Galati Depo. (I) 105:7-10).

35. Galati attempted to negotiate an alternate route and safer passage for marchers, northward on Church Street instead of Broadway. (Galati Depo. (I) 105:2-6, 111:13-15; Hedemann Depo. 203:15-17).

36. Hedemann rejected the Church Street route, stating that he would not be willing to go in that direction. (Galati Depo. (I) 105:6-7, 111:16-113:6).

37. Galati advised Hedemann that he did not believe that Hedemann could walk his intended route in a safe manner, and that NYPD would not be able to police the march if marchers proceeded against traffic on Broadway. (Galati Depo. (I) 105:11-16, 110:17-20, 113:17-20).

38. Galati asked Hedemann if he could alter the march's route in order to provide safety for the police officers that would have to walk with the march, but Hedemann

refused to do so. (Galati Depo. (I) 111:9-113:6; Hedemann Depo. 206:2-5; J. Miller Depo. 57:12-16).

39. Once Monahan arrived on the scene, Galati explained to Monahan his prior discussions with Hedemann, after which Galati brought Monahan over to speak directly with Hedemann. (Monahan Depo. (I) 155:9-156:19; Monahan Depo. (II) 283:10-17, 294:9-21, 296:22-297:2; Monahan CCRB, pp. 8-9, 16, 18).

40. Hedemann advised Monahan that he planned to march north on Broadway to Union Square, where he would join with a large group of people that were at Union Square, then continue his march up Broadway to MSG. (Monahan Depo. (I) 157:12-158:9).

41. As Galati had done earlier, Monahan explained to Hedemann that to march northbound on Broadway, counter-flow to traffic, would be extremely dangerous not only to the marchers and people on the street, but also to the police who had to accompany the march. (Monahan Depo. (I) 158:18-159:2; Monahan CCRB, pp. 9-10).

42. As Galati had done earlier, Monahan offered Hedemann the use of any street that was northbound with the flow of traffic. (Monahan Depo. (I) 226:5-14; Monahan CCRB, p. 26).

43. Hedemann, however, remained adamant that the march would only go east on Fulton Street and north on Broadway. (Monahan Depo. (I) 158:18-22, 226:24-227:3; Monahan CCRB, p. 26).

### **NYPD Warned The March Organizer That The WRL's Plans To Reach The Floor Of MSG And Shut Down The Convention Would Result In Arrest**

44. Hedemann told NYPD commanders that he planned to march with the group to the floor of MSG, where they stage a die-in and stop the convention. (Galati Depo. (I)

102:17-21, 158; Monahan Depo. (I) 156:24-157:3; Monahan Depo. (II) 295:13-296:17; Monahan CCRB, pp. 8-9; Hedemann Depo. 203:9-13, 206:21-207:6).

45. NYPD commanders advised Hedemann that he wasn't going to be able to get to the floor of MSG. (Galati Depo. (I) 103:4-8; Monahan Depo. (I) 157:3-4; Monahan CCRB, p. 18).

46. Hedemann advised NYPD that if and when he was stopped en route to the floor of MSG, he planned to stage a die-in. (Galati Depo. (I) 103:4-8; Monahan Depo. (I) 156:24-157:11; Monahan Depo. (II) 296:6-9; Monahan CCRB, p. 9; Hedemann Depo. 207:18-20).

47. Galati advised Hedemann that he and others would be placed under arrest if they decided to stage a die-in. (Galati Depo. (I) 103:10-12).

48. Hedemann told Galati that he fully understood what the NYPD was telling him but nonetheless was sticking with his plans. (Galati Depo. (I) 103:12-14).

### **NYPD Provided Additional Warnings To Hedemann And Imposed Explicit Conditions And Rules For the March**

49. Monahan and Galati both warned Hedemann that the march was unpermitted. (Monahan Depo. (I) 159:6-11; Galati Depo. (I) 113:17-19; Hedemann Depo. 211:7-9).

50. Both Monahan and Galati advised Hedemann that he would not be able to march with his group in the street because it would be unsafe. (Galati Depo. (I) 105:11-16, 113:17-20; Monahan Depo. (I) 158:18-22).

51. Galati warned Hedemann that the sidewalk on Fulton Street was very narrow, and that the marchers would have to walk single file or two abreast so they would not take over the sidewalk. (Galati Depo. (I) 115:9-15).

52. Monahan warned Hedemann that if marchers blocked pedestrians or vehicles, arrests would be made. (Monahan Depo. (I) 159:6-14, 161:7-11, 165:14-24, 166:4-6; Monahan CCRB, p. 10).

53. Galati and Monahan both warned Hedemann that marchers could not carry signs or banners large enough to block the sidewalk. (Galati Depo. (I) 108:14-19, 115:16-17; Monahan Depo. (I) 159:24-160:2; Hedemann Depo. 213:17-21).

54. Galati warned Hedemann that the marchers would not be permitted to walk against the traffic lights. (Galati Depo. (I) 115:22-24; Hedemann Depo. 211:20-22).

### **The March Organizer Assured The NYPD That Marchers Would Comply With Police Directives**

55. Before the march began, Hedemann assured both Galati and Monahan that marchers would comply with the NYPD's directives. (Galati Depo. (I) 105:17-22, 106:5-8, 106:5-16, 115:14-15; Monahan Depo. (I) 159:15-23).

56. Hedemann assured both Galati and Monahan that marchers would walk one or two at a time and that they would not "form up like a march." (Galati Depo. (I) 105:17-22, 106:5-16, 115:14-15; Monahan Depo. (I) 159:15-19, 165:23-166:3, 168:4-8; Monahan CCRB, p. 10; Hedemann Depo. 210:20-211:6).

57. Hedemann assured both Galati and Monahan that marchers would not block the sidewalk with a large banner, telling them that marchers would carry the banner

parallel to the sidewalk rather than across it. (Galati Depo. (I) 115:16-21; Monahan Depo. (I) 159:24-160:22; Monahan CCRB, pp. 10, 25; Hedemann Depo. 161:16-18, 213:17-23).

58. Hedemann assured Galati that nobody would cross against the lights. (Galati Depo. (I) 115:23-24).

59. The NYPD believed that Hedemann, as the march organizer, agreed to follow their directives for the march on behalf of all of the marchers. (Galati Depo. (I) 116:9-13; Monahan Depo. (I) 168:12-21).

60. Galati asked Hedemann how he could assure the marchers' compliance with NYPD directives. (Galati Depo. (I) 105:23-25).

61. Hedemann replied, and the NYPD understood, that the march had designated people who would assure that the marchers would comply with NYPD directives. (Monahan (I) 161:2022; Monahan CCRB, p. 10; Galati Depo. (I) 106:5-8; Griffin Depo. 242:21-25; Hedemann Depo. 212:14-21, 232:10-13).

62. Monahan advised Galati to provide warnings to the marchers to let everyone know that the march was not a permitted event, and that marchers would be arrested if they blocked pedestrian or vehicular traffic. (Monahan Depo. (I) 162:6-10, 167:5-7; O'Connor CCRB, p. 16).

### **NYPD Consulted With Legal Counsel Regarding The Terms Of March**

63. Galati called for a representative from NYPD's Legal Bureau to review certain legal issues with Hedemann. (Galati Depo. (I) 109:5-10).

64. Assistant Commissioner Robert Messner responded to Galati's call. (Galati Depo. (I) 109:17-22; Messner CCRB, p. 11).

65. Galati then had the same conversation with Hedemann, this time in the presence of Messner, NYPD's legal counsel. (Galati Depo. (I) 110:6-15).

66. Messner explained to Hedemann that based on New York State's disorderly conduct statute, the marchers could not block vehicular or pedestrian traffic. (Messner CCRB, p. 12).

67. Hedemann repeatedly told Messner, as he had assured Galati, that marchers were going to walk two-by-two on the sidewalk and were not going to block the sidewalk. (Messner CCRB, p. 12).

68. In reference to the banner that Hedemann had already discussed with Galati and Monahan, Hedemann told Messner that the marchers would keep the banner parallel to the sidewalk so that it would not block pedestrian traffic. (Messner CCRB, pp. 12, 19-20).

#### **NYPD's Commanding Officer Requested Video Recording Of The NYPD's Negotiation With Hedemann And Warnings To The Marchers**

69. Galati next asked an NYPD officer from the Technical Assistance Response Unit ("TARU") to record a conversation with Hedemann. (Galati Depo. (I) 113:9-14).

70. Galati then had another conversation with Hedemann, which was audio and video recorded by several TARU officers. (Video Comp., Chapter 1; Galati Depo. (I) 113:15-114:2, 115:7-24).

71. Galati reiterated what he had said to Hedemann in his prior conversations. (Galati Depo. (I) 113:15-114:2, 115:7-24).

72. A transcript of the videotaped conversation is as follows:

a. [Galati] "Again, I'm gonna tell you right now, you do not have a permit for this, alright."

- b. [Galati] "Especially right in the front [referring to banner], right over here [referring to Fulton Street], you will be obstructing people on the sidewalk, that would be an obstruction by itself."
- c. [Hedemann] "No, but what, uh, we're going to orient it [the banner] towards, single file, orient it towards the traffic, ok, orient it towards the traffic."
- d. [Galati] "Alright, I just want to make sure that we're clear on this, ok?"
- e. [Galati] "The sidewalk is very slow over here;"
- f. [Hedemann nodding head in agreement]
- g. [Galati] "If you have to walk single file, you're going to have to walk single file."
- h. [Galati] "If anybody in the crew obstructs pedestrian traffic, they will be subject to arrest, I have to emphasize that."
- i. [Hedemann] "Well, give us a warning too, because they may not know that."
- j. [Galati] "I'm giving you a warning right now."
- k. [Hedemann] "No, I know that, but I can't, I mean, uh, we don't have a bullhorn."
- l. [Captain DeEntremont] "We have a bullhorn and we'll use it to warn you."
- m. [Hedemann] "That's fine; that's fine. Now, what we're going to do is, we're going to march with the banner facing the traffic, so we're not going to block the sidewalk, we'll go sideways."

- n. [Galati] We're going to give some warnings right now with the bullhorn [Hedemann gesturing with hands upward], so that everybody understands what the situation is, ok?"
- o. [Hedemann nodding in agreement]
- p. [Galati] "Again, you gotta obey all the rules of the road."
- q. [Hedemann nodding in agreement]
- r. [Galati] "If the lights [Hedemann nodding in agreement] light up, you can't cross, you can only cross when it's green, ok?"
- s. [Hedemann nodding in agreement]
- t. [Galati] "If anybody steps out, we're going to give them warnings, they will be subject to arrest."
- u. [Hedemann nodding in agreement]
- v. [Galati] "Very good."
- w. [Galati calling for police officer with megaphone; and directing "Jimmy" to go in the back of crowd to repeat warnings that Galati would be giving]

(Video Comp., Chapter 1).

**Before The March Began, The NYPD Provided Warnings, Including Arrest Warnings, To All Marchers Congregated At The World Trade Center Site**

73. Before the march began, the NYPD warned people gathered by the World Trade Center Site of the risk of arrest if they participated in the march and failed to comply with police orders and directives. (Video Comp., Chapters 1, 5; Galati Depo. (I) 115:25-116:12, 230:24-231:3, 246:11-17; Ingram Depo. 67:13-69:3; Jackson Depo. 9:17-10:5, 52:12-53:6; Monahan Depo. (II) 301:13-16, 302:10-22; O'Connor Depo. 30:22-31:11; O'Connor CCRB, pp.

8, 15; Rivers Depo. 81:22-82:1, 84:15-86:17; D. Shea Depo. 70:15-72:14; Stanich Depo. 17:4-18:5).

74. The NYPD provided these warnings, orders and directives to the marchers by bullhorn. (Video Comp., Chapter 1, 5; DeEntremont Depo. 41:23-42:14; Falcon Depo. 19:20-20:6; Galati Depo. (I) 115:25-116:12, 230:24-231:3, 246:11-17; Haut Depo. 30:4-21; Ingram Depo. 67:13-69:3; Jackson Depo. 9:17-10:5, 52:12-53:6; Monahan Depo. (I) 162:17-18; Monahan CCRB, pp. 10-11; O'Connor Depo. 30:22-31:11; O'Connor CCRB, pp. 8, 15; O'Sullivan Depo. 25:9-17; Rivers Depo. 81:22-82:1, 84:15-86:17; D. Shea Depo. 70:15-72:14; J. Shea Depo. 98:12-23, 101:12-16; Stanich Depo. 17:4-18:5).

75. Specifically, Inspector Galati made the following specific warnings by bullhorn:

- a. "I am Inspector Galati of the New York City Police Department." (Video Comp., Chapter 1).
- b. "I am informing and warning all the marchers that this is a march without a permit." (Video Comp., Chapter 1; Falcon Depo. 19:20-20:6; Galati Depo. (I) 246:14-15; Jackson Depo. 9:17-10:5, 52:12-53:6; Monahan CCRB, p. 29; O'Connor CCRB, p. 15; O'Sullivan Depo. 26:20-27:7; Rivers Depo. 81:22-82:1, 84:15-86:17; D. Shea Depo. 70:15-72:9).
- c. "You must comply with all of the rules or else you will be subject to arrest." (Video Comp., Chapter 1; Galati Depo. (I) 246:15-17; O'Connor CCRB, p. 8; O'Sullivan Depo. 26:20-27:7).
- d. "You have to walk in either a single or double file, so that you do not obstruct pedestrian traffic." (Video Comp., Chapter 1; Galati Depo. (I) 248:15-17; Haut

Depo. 30:4-21; Ingram Depo. 67:13-69:3; Jackson Depo. 9:17-10:5, 52:12-53:6; O'Connor CCRB, pp. 8, 15; O'Sullivan Depo. 26:20-27:7; Rickli Depo. 49:10-50:2; Rivers Depo. 81:22-82:1, 84:15-86:17; D. Shea Depo. 70:15-72:14; Stanich Depo. 17:4-18:5).

- e. "If you obstruct pedestrian or vehicle traffic, I have to inform you, you will be subject to arrest." (Video Comp., Chapter 1; Falcon Depo. 19:20-20:6; Jackson Depo. 9:17-10:5, 52:12-53:6; Galati Depo. (I) 251:10-15; Monahan CCRB, p. 29; O'Connor Depo. 30:22-31:11, O'Connor CCRB, pp. 8, 15; D. Shea Depo. 70:15-72:13).
- f. "You will also have to comply with the lights. You cannot cross against the lights." (Video Comp., Chapter 1; Monahan CCRB, p. 29; O'Connor Depo. 30:22-31:11, O'Connor CCRB, pp. 8, 15; Jackson Depo. 9:17-10:5, 52:12-53:6; D. Shea Depo. 70:15-72:11).
- g. "I ask your cooperation, so that everybody has a safe march." (Video Comp., Chapter 1; Monahan CCRB, p. 29; O'Connor Depo. 30:22-31:11, O'Connor CCRB, pp. 8, 15).

76. Having given these warnings to the marchers by bullhorn, Galati instructed Inspector Shea to go to the rear of the group and to continue with the warnings before the march began. (Galati Depo. (I) 115:25-116:12, 257:3-7; J. Shea Depo. 101:23-102:11).

77. Inspector Shea repeated similar warnings, over a bullhorn, to the back of the crowd. (DeEntremont Depo. 41:23-42:10; Ippolito Depo. 17:14-18:4, 18:24-19:25, 33:17-24; Jackson Depo. 9:17-10:5, 52:12-53:6; Messner CCRB, p. 24; Monahan CCRB, p. 11;

O'Connor Depo. 31:12-18, 39:21-40:6, 65:17-23; O'Sullivan Depo. 26:20-27:7; J. Shea Depo. 100:3-9).

78. Galati also instructed Lieutenant James O'Sullivan to walk up and down the line of marchers assembled for the march and repeat the warnings before the march began. (Galati Depo. (I) 115:25-116:12; O'Sullivan Depo. 25:11-17, 28:12-19).

79. Galati later instructed O'Sullivan to stand at the corner where the march was going to step off from and, as the marchers came by, continually repeat the same warnings to marchers. (Galati Depo. (I) 252:24-253:3; O'Sullivan Depo. 28:12-19).

80. O'Sullivan repeated Galati's warnings to marchers over a bullhorn. (O'Sullivan Depo. 26:20-28:23, 31:10-13, 46:7-24).

81. The NYPD had reason to believe that their orders were audible to all marchers before the march began. (Galati Depo. (I) 115:25-116:12, 230:23-231:3, 246:18-21; Rivers Depo. 84:15-86:22; Stanich Depo. 20:23-21:7).

### **Before The March Began, Plaintiffs Heard The NYPD's Warnings And Directives**

82. Before the march began, plaintiffs heard the NYPD's warnings, orders, and directives regarding their participation in the march. (Amato Depo. 105:16-106:24, 128:18-19; Ashbeck Depo. 95:14-96:23; Beeny Depo. 110:1-4; Benn Depo. 55:6-15; Bernard Depo. 142:10-12, 143:3-5, 143:10-12, 16; Bhalla Depo. 14:18-21, 81:8-18; Catchpole Depo. 58:13-61:6; Church Depo. 17:9-22, 155:21-156:10; Cook Depo. 59:21-22, 60:1-15; N. Curley Depo. 167:25-169:10; R. Curley Depo. 36:16-21, 37:7-8, 22; Debruhl Depo. 76:15-18, 93:5-8, DeBruhl 50(h) 17:19-25; Dietzen Depo. 45:14-19, 46:15-21; Ditman Depo. 75:16-17; Dorais Depo. 69:14-70:5, 70:21-23; D'Ornellas Depo. 86:5-14, 20-21, 87:10-19, 88:8-10; Drummond Depo.

60:13-17, 83:10-16, Drummond 50(h) 23:15-16; Ekberg Depo. 41:3-6, 150:12-19; Evans Depo. 52:15-25, 53:10-12, 54:9-10, 24-25; Flynn Depo. 70:21-71:17, Flynn 50(h) 62:21-63:5; Fremont-Smith Depo. 18:1-8; Gale Depo. 95:1-6, 100:7-12; G. Gaster Depo. 34:25-35:9; Gibbons Depo. 25:21-26:2, 26:11-16; Glick Depo. 42:17-25, 49:20-23; Glick 50(h) 37:4-18; Goldberg Depo. 111:2-10; Gordon Depo. 94:22-95:13; Gordon 50(h) 30:25-31:7; Gross Depo. 56:1-17, 22-24; Gross 50(h) 18:02-10; Hardie Depo. 53:1-8, 128:16-21, 129:3-14; Hedemann Depo. 190:15-21; Hernandez Depo. 68:17-20, 75:1-10, 78:23-79:1; Hill Depo. 206:18-21, 207:3-4; Hottle Depo. 19:9-12, 73:9-13; Howe Depo. 47:14-18; Hunt Depo. 69:7-70:2; Ivors Depo. 33:7-17; Janney Depo. 81:17-24, 92:25-93:9; Joseph Depo. 79:4-10, 80:13-21; Kern Depo. 107:18-20, 108:20-24; Knapp Depo. 77:14-16, 88:20-24; Laken Depo. 96:15-16; Larson Depo. 14:8-11, 101:24-102:4; Logan Depo. 77:1-8; Logan 50(h) 10:15-18; Lovecchio Depo. 41:2-25; Lovecchio 50(h) 8:2-17; Major Depo. 30:6-12, 32:5-14; Meehan Depo. 27:18-30:16; Meisinger Depo. 55:11-22, 63:17-19, 71:4-9; Migliore Depo. 90:20-24, 91:15-20, 110:24-111:11, 121:22-24; Pagoda Depo. 131:20-132:5, 135:7-10; Pagoda 50(h) 23:25-24:11; D. Parrott Depo. 68:1-4, 71:4-9, 72:13-15, 73:5-7; Petrello Depo. 88:4-11, 94:18-21; Renwick Depo. 58:25-60:2, Renwick CCRB, p. 5; Richins Depo. 31:17-33:11, 85:3-86:4; Riverbend Depo. 93:9-96:24; Robinson Depo. 95:15-16; Rochfort Depo. 14:13-18, 107:6-25, 116:8-10; Rosenberg Depo. 100:15-23; St. Laurent Depo. 110:14-19, 112:17-24; Siegel Depo. 25:7-10; Steyert Depo. (II) 404:11-15, 456:21-457:2, 470:9-16; Tepsic Depo. 23:6-18, 43:1-15; Williamson Depo. 142:5-143:1, 144:19-25; J. Wilson Depo. 58:21-59:6, 61:10-13, J. Wilson 50(h) 29:2-3; Wright Depo. 11:20-12:4, 58:15-59:3; Wu Depo. 68:2-12, 69:10-19).

83. Before the march began, plaintiffs heard the NYPD's specific warning that the march did not have a permit. (Amato Depo. 105:16-106:18; Beeny Depo. 110:1-4; Bernard

Depo. 142:10-12, 143:3-5; Catchpole Depo. 61:2-6; Church Depo. 155:21-24; N. Curley Depo. 143:19-24, 167:25-168:5; D'Ornellas Depo. 86:5-14; Ekberg Depo. 41:3-5, 146:13-19, 150:12-19; Gale Depo. 95:1-6; G. Gaster Depo. 34:25-35:4; Gibbons Depo. 25:21-26:2, 26:11-12; Glick Depo. 42:17-20, 49:20-23; Glick 50(h) 37:8-14; Gordon Depo. 94:22-24; Gordon 50(h) 30:25-31:4; Gross Depo. 56:22-24; Hardie Depo. 12:18-25, 53:1-4; Janney Depo. 81:17-24, 92:25-93:9; Larson Depo. 14:8-11, 101:24-102:2; Lovecchio Depo. 41:20-25; Lovecchio 50(h) 8:2-17; Migliore Depo. 90:20-23, 91:15-17, 121:22-24; Kern Depo. 107:18-20, 108:20-24; Pagoda Depo. 131:20-132:1; Pagoda 50(h) 23:25-24:11; Renwick Depo. 58:25-59:23; Renwick CCRB, p. 5; Richins Depo. 31:17-33:11, 85:3-13; Riverbend Depo. 93:9-96:24; Rosenberg Depo. 100:15-23; Siegel Depo. 25:7-10; Steyert Depo. (II) 404:11-15, 456:21-457:2, 470:9-16, 473:20-25; Tepsic Depo. 23:6-7; Wright Depo. 11:20-24, 58:22-23).

84. Before the march began, plaintiffs heard the NYPD's specific warning that participants in the march would have to walk in either a single or double file, so as not to obstruct pedestrian traffic. (Amato Depo. 105:16-106:21; Ashbeck Depo. 95:14-96:23; Beeny Depo. 110:1-4; Bernard Depo. 142:10-12, 143: 3-5; Bhalla Depo. 14:18-21, 81:12-18; Catchpole Depo. 58:13-25; Church Depo. 156:4-10; Debruhl Depo. 76:15-18, 93:5-8; DeBruhl 50(h) 17:19-25; Drummond Depo. 60:13-17, 83:10-16; Drummond 50(h) 23:15-16; Ekberg Depo. 41:3-5, 146:20-25, 150:12-19; Evans Depo. 52:15-25, 53:10-12; Flynn Depo. 70:21-71:17; Flynn 50(h) 62:21-63:5; Gale Depo. 95:17-21, 100:9-12; G. Gaster Depo. 34:25-35:9; Gibbons Depo. 25:21-26:2, 13-16, 21-24; Glick Depo. 42:17-25, 49:20-23; Glick 50(h) 37:4-18; Goldberg Depo. 111:2-10; Gordon Depo. 95:4-6; Gordon 50(h) 30:25-31:7; Gross Depo. 56:1-14; Hardie Depo. 53:1-8; Hernandez Depo. 68:17-20, 75:1-10, 78:23-79:1; Hunt Depo. 69:7-70:2; Ivors Depo. 33:7-17; Janney Depo. 81:17-24, 92:25-93:9; Joseph Depo. 80:16-18; Kern Depo. 107:18-20,

108:20-24; Laken Depo. 96:15-16; Major Depo. 30:6-12, 32:5-14; Meehan Depo. 27:18-30:16; Meisinger Depo. 55:11-22, 63:17-19; Pagoda Depo. 131:20-132:5, 135:7-10; Pagoda 50(h) 23:25-24:11; Renwick Depo. 60:18-21; Renwick CCRB, p. 5; Riverbend Depo. 93:9-96:24; Robinson Depo. 95:15-16; Rosenberg Depo. 100:15-23; St. Laurent Depo. 110:14-19, 111:23-25; Siegel Depo. 25:7-10, 73:14-18; Steyert Depo. (II) 404:11-15, 456:21-457:2, 470:9-16, 474:8-15; Williamson Depo. 142:5-143:1, 144:19-25; J. Wilson Depo. 58:21-59:6, 61:10-13; J. Wilson 50(h) 29:2-3; Wright Depo. 11:20-12:4, 58:15-59:3; Wu Depo. 68:2-12; Wu 50(h) 19:9-13).

85. Before the march began, plaintiffs heard the NYPD's specific warning that marchers could not block pedestrian or vehicular traffic during the march. (Amato Depo. 105:16-106:22; Beeny Depo. 110:1-4; Catchpole Depo. 58:13-61:6; Church Depo. 156:7-10; N. Curley Depo. 168:24-169:10; R. Curley Depo. 36:16-21, 37:7-8, 22; Dorais Depo. 69:14-70:5, 70:21-23; D'Ornellas Depo. 86:5-14, 20-21, 87:10-19, 88:8-10; Gale Depo. 100:7-12; Hardie Depo. 128:19-21, 129:3-14; Ivors Depo. 33:7-17; Joseph Depo. 80:13-15; Kern Depo. 107:18-20, 108:20-24; Laken Depo. 96:15-16; Logan Depo. 77:1-8; Logan 50(h) 10:15-18; Lovecchio Depo. 41:2-25, Lovecchio 50(h) 8:2-17; Migliore Depo. 90:20-24, 91:15-20, 110:24-111:11, 121:22-24; D. Parrott Depo. 68:1-4, 71:4-9, 72:13-15, 73:5-8; Petrello Depo. 88:4-11, 94:18-21; Richins Depo. 31:17-33:11, 85:21-86:1; Riverbend Depo. 93:9-96:24; Robinson Depo. 95:15-16; St. Laurent Depo. 110:14-19, 112:17-24; Steyert Depo. (II) 404:11-15, 456:21-457:2, 470:9-16; Tepsic Depo. 23:6-18, 43:1-15; Wu Depo. 68:2-7, 69:10-15).

86. Before the march began, plaintiffs heard the NYPD's specific warning that marchers would have to comply with traffic signals and could not cross against the lights. (Amato Depo. 105:16-106:22; Beeny Depo. 110:1-4; N. Curley Depo. 169:4-7; R. Curley Depo.

36:16-21, 37:7-8, 22; Dietzen Depo. 45:14-19, 46:15-21; Flynn Depo. 70:21-71:17; Gale Depo. 95:17-21, 100:9-12; Glick Depo. 42:17-23; Glick 50(h) 37:8-18; Gordon Depo. 95:9-11; Gordon 50(h) 30:25-31:7; Ivors Depo. 33:7-17; Kern Depo. 107:18-20, 108:20-24; Logan Depo. 77:1-8; Logan 50(h) 10:15-18; Lovecchio Depo. 41:2-25; Lovecchio 50(h) 8:2-17; Richins Depo. 31:17-33:11, 86:2-4; Riverbend Depo. 93:9-96:24; Robinson Depo. 95:15-16; St. Laurent Depo. 110:14-19; Siegel Depo. 25:7-10; Wright Depo. 11:20-12:4, 58:15-59:3; Wu Depo. 68:2-7, 69:16-19).

87. Before the march began, plaintiffs heard the NYPD's specific warning that participants in the march had to comply with all of the rules or else they would be subject to arrest. (Beeny Depo. 110:1-4; Church Depo. 155:25-156:3; N. Curley Depo. 168:6-9; Gale Depo. 100:7-12; Gross 50(h) 18:02-10; Janney Depo. 81:17-24, 92:25-93:9; Kern Depo. 107:18-20, 108:20-24; Petrello Depo. 88:4-11, 94:18-21; Riverbend Depo. 93:9-96:24; St. Laurent Depo. 112:17-24).

#### **Before The March Began, Plaintiffs Were Also Told By Others About NYPD's Warnings**

88. Before the march began, plaintiffs heard of police warnings and directives from others in the march. (Barfield Depo. 147:4-8, 155:1-4, 157:13-15; Becker Depo. 141:19-25, 143:14-20, 163:15-21; Benn Depo. 54:9-55:1, 69:6-17; Burns Depo. 118:5-119:1, 124:3-125:10; Colville Depo. 117:13-18; Cook Depo. 62:18-20; Davies Depo. 35:4-14; Doggett Depo. 106:26-107:8, 107:15-19; D'Ornellas Depo. 89:4-19; Fiorentini Depo. 60:20-22, 61:18-19, 73:9-15; Gamboa Depo. 22:24-23:1, 148:22-25; Goldberg Depo. 114:21-24; Gordon Depo. 129:16-21; Gordon 50(h) 30:6-20; Harak Depo. 39:18-40:11, 157:19-25; Jenkins Depo. 58:7-21; Joseph Depo. 79:12-20, 80:6-9; Judd Depo. 67:10-13; Kavanagh Depo. 107:1-17, 121:19-23; Kinane

Depo. 135:9-10; Knapp Depo. 84:13-85:15; Kressley Depo. 54:20-55:17, 68:2-5; Lanctot Depo. 12:6-15, 139:10-140:3; Lovecchio Depo. 70:7-9; Marx Depo. 89:5-8; Z. Miller Depo. 137:21-25, 146:3-10, 147:23-148:3, 9-13; Murray Depo. 62:2-7, 63:17-64:2; Nicinski Depo. 93:5-10; Parry Depo. 7:22-8:4, 42:16-44:3, 129:20-130:3; Paterson Depo. 78:1-20, 79:1-14; Raimondi Depo. 316:17-22, 347:22-348:5, 354:4-14, 356:7-12, 357:20-358:3, 358:19-21, 359:3-7, 360:3-361:3, 369:7-17; St. Laurent Depo. 133:9-17; San Marchi Depo. 82:9-12; A. Sensiba 50(h) 20:22-21:04; G. Sensiba Depo. 51:17-25, 52:02-14; G. Sensiba 50(h) 11:14-21; Stephens Depo. 89:4-13; Trinkl Depo. 23:8-20, 31:21-23, 36:1-7; T. Wilson Depo. 58:6-25, 59:25-60:4; Wu Depo. 68:2-12, 69:10-19, 70:23-71:3).

89. Before the march began, plaintiffs heard from others of the NYPD's specific warning that the march did not have a permit. (Joseph Depo. 79:12-20, 80:6-9; Parry Depo. 129:20-130:3; St. Laurent Depo. 133:9-17).

90. Before the march began, plaintiffs heard from others of the NYPD's specific warning that participants in the march would have to walk in either a single or double file, so as not to obstruct pedestrian traffic. (Barfield Depo. 147:4-8, 155:1-4, 157:13-15; Becker Depo. 141:19-25, 143:14-20, 163:15-21; Benn Depo. 54:9-55:1, 69:6-17; Burns Depo. 118:5-119:1, 124:3-125:10; Colville Depo. 117:13-18; Cook Depo. 62:18-20; Davies Depo. 35:4-14; Doggett Depo. 106:26-107:8, 107:15-19; D'Ornellas Depo. 89:4-19; Fiorentini Depo. 60:20-22, 61:18-19, 73:9-15; Gamboa Depo. 22:24-23:1, 148:22-25; Goldberg Depo. 114:21-24; Gordon Depo. 129:16-21; Gordon 50(h) 30:6-20; Harak Depo. 39:18-40:11, 157:19-25; Jenkins Depo. 58:7-21; Joseph Depo. 79:12-20, 80:6-9; Judd Depo. 67:10-13; Kavanagh Depo. 107:1-17, 121:19-23; Kinane Depo. 135:9-10; Knapp Depo. 84:13-85:15; Kressley Depo. 54:20-55:17, 68:2-5; Lanctot Depo. 12:6-15, 139:10-140:3; Lovecchio Depo. 70:7-9; Marx Depo. 89:5-8; Z.

Miller Depo. 137:21-25, 146:3-10, 147:23-148:3, 9-13; Murray Depo. 62:2-7, 63:17-64:2; Nicinski Depo. 93:5-10; Parry Depo. 7:22-8:4, 42:16-44:3, 129:20-130:3; Paterson Depo. 78:1-20, 79:1-14; Raimondi Depo. 316:17-22, 347:22-348:5, 354:4-14, 356:7-12, 357:20-358:3, 358:19-21, 359:3-7, 360:3-361:3, 369:7-17; St. Laurent Depo. 133:9-17; San Marchi Depo. 82:9-12; Scofield Depo. 136:13-16; A. Sensiba 50(h) 20:22-21:04; G. Sensiba Depo. 51:17-25, 52:02-14; G. Sensiba 50(h) 11:14-21; Stephens Depo. 89:4-13; Trinkl Depo. 23:8-20, 31:21-23, 36:1-7; T. Wilson Depo. 58:6-25, 59:25-60:4; Wu Depo. 68:2-12, 69:10-19, 70:23-71:3).

91. Before the march began, plaintiffs heard from others of the NYPD's specific warning that marchers could not block pedestrian or vehicular traffic during the march. (Burns Depo. 118:5-119:7; Davis Depo. 20:1-7, 87:9-14; Kern Depo. 90:6-91:24, 95:10-15; Kressley Depo. 54:20-55:10; Z. Miller Depo. 146:3-10, 147:23-148:3, 9-13; Murray Depo. 62:2-7, 63:17-64:2; Paterson Depo. 78:1-20, 79:1-14; Stephens Depo. 89:4-13; Wu Depo. 68:2-12, 69:10-19, 70:23-71:3).

92. Before the march began, plaintiffs heard from others of the NYPD's specific warning that marchers would have to comply with traffic signals and could not cross against the lights. (Barfield Depo. 147:4-8, 155:1-4, 157:13-15; Kressley Depo. 54:20-55:17; Paterson Depo. 78:1-20, 79:1-14; Wu Depo. 68:2-12, 69:16-19, 70:23-71:3).

93. Before the march began, plaintiffs became aware of police warnings for the march by overhearing discussions between the police and one or more march organizers. (Dietzen 50(h) 18:24-19:3; Ditman 50(h) 22:6-23:18; Nicinski Depo. 12:14-13:3; St. Laurent Depo. 109:6-19; T. Wilson Depo. 58:7-59:4).

**The March Began After The NYPD's Warnings And Directives Were Given**

94. The march began when plaintiffs and other marchers stepped into Church Street at approximately 4:00 p.m. and crossed Church Street, moving in an eastward direction toward the northern sidewalk of Fulton Street. (Video Comp., Chapter 2).

95. Once the march began, Inspector Shea warned marchers as they crossed Church Street that the march did not have a permit, and that marchers had to walk single file or two abreast. (Video Comp., Chapter 5; J. Shea Depo. 103:11-15).

96. Once the march began, NYPD officers repeatedly warned the marchers to stay on the sidewalk, and warned them that anyone blocking pedestrian traffic would be arrested. (Video Comp., Chapters 2, 5; Chan Depo. 126:20-23; Haut Depo. 31:12-20, 32:2-12, 33:14-15; Martinoff Depo. 87:9-13, 89:20-90:4; Messner CCRB, pp. 28-29; O'Connor Depo. 65:16-23; Rickli Depo. 60:23-61:7, 188:22-191:7; D. Shea Depo. 86:11-21; Stewart CCRB, pp. 10, 17-18).

97. Once the march began, plaintiffs heard these warnings from NYPD officers. (Becker Depo. 135:9-13, 137:19-23, 138:13-17, 142:9-21; Bernard Depo. 36:19-20, 44:6-20; Capps Depo. 54:16-19, 66:8-12; Cohen Depo 66:22-67:2, 71:16-20, 84:22-25; Dickerson Depo. 18:3-19:8, 70:8-12, 71:1-11; Flynn 50(h) 68:9-17; T. Gaster Depo. 27:16-22, 126:2-127:17; Hottle Depo. 129:10-12, 16-19; Judd Depo. 49:16-22, 72:11-20; Kanouse Depo. 41:20-42:1, 43:7-9, 45:15-18; Knapp Depo. 91:8-12; Kressley Depo. 57:20-58:4, 59:15-24; McGee Depo. 36:7-21; Paterson Depo. 81:1-3, 84:13-16; Petrello Depo. 100:6-10; Raimondi Depo. 412:24-413:15, 438:14-20; Richins Depo. 97:4-18; Rochfort Depo. 115:19-21; Spritzer Depo. 48:24-49:22; Stephens Depo. 91:19-92:2; Steyert Depo. (II) 433:2-10; Swink Depo. 82:25-83:5, 85:10-15, 93:3-9; Wu Depo 84:25-85:13).

98. Once the march began, plaintiffs were told of these NYPD warnings from others in the march. (Becker Depo. 143:14-20, 163:15-21; Kanouse Depo. 42:2-5, 18-20; Kressley Depo. 68:2-5; J. Miller Depo. 30:1-17, 39:2-5; Paterson Depo. 81:3-6).

**Once The March Began, the NYPD Commanders Observed The Marchers And Deployed Police To Accompany Them**

99. Galati had called for additional police personnel after learning from Hedemann that he planned to go ahead with the march. (Galati Depo. (III) 573:10-18).

100. NYPD bicycle officers were deployed to ride or walk their bicycles in the street alongside the marchers, in order to protect them from spilling from the north sidewalk of Fulton Street into the roadway. (Video Comp., Chapter 2; Griffin CCRB, p. 4; O'Connor CCRB, p. 16; Jackson Depo. 51:9-16; Ingram Depo. 74:21-75:3).

101. Once the march began, Monahan observed Hedemann near the front of march, with the large white banner that they had earlier discussed stretched across the sidewalk. (Video Comp., Chapter 7; Monahan Depo. (II) 304:5-305:5).

102. As the march progressed, Monahan walked up and down the length of the march. (Galati Depo. (I) 117:23-118:13).

103. As the march progressed, Galati walked in the street alongside the marchers. (Galati Depo. (III) 582:7-583:13).

104. Monahan and Galati eventually made their way to the front of the march. (Monahan Depo. (II) 311:6-9; Galati Depo. (I) 118:13-15).

105. Seeing the banner stretched across the sidewalk, Monahan warned Hedemann and other marchers that if they did not remove the banner, and if they continued to block the sidewalk, they would be placed under arrest. (Video Comp., Chapter 7).

**The Marchers Appeared To NYPD To Be Parading Without A Permit**

106. The marchers appeared to NYPD officers to be engaged in parade or procession. (Video Comp., Chapters 1, 5, 6; Galati Depo. (I) 116:19-24, 120:4-7, 235:7-11, 247:5-12; Galati Depo. (III) 629:3-18).

107. Hundreds of individuals participated in the march. (Monahan Depo. (I) 211:4-5; Barfield Depo. 128:1-4; Barrows Depo. 8:25-9:1, 43:2-7; Beeny Depo. 81:16-19, 85:6-7; Becker Depo. 139:5-140:9; Burns Depo. 123:20-25; Catchpole Depo. 55:3-6; Cavanagh Depo. 56:5-8; Church Depo. 18:6-14; Debruhl Depo. 85:19-86:5; Ekberg Depo. 42:5-23; Flynn 50(h) 69:24-70:4; Gale Depo. 75:24-25; G. Gaster Depo. 35:7-23, 36:21-22; Glick Depo. 8:5-7; Goldberg Depo. 9:21-22; Goldenberg Depo. 100:14-16; Gross Depo. 55:17-19; Harak 46:17-18; Hardie Depo. 51:20-23; Hedemann Depo. 156:14-20; Hill Depo. 27:10-15; Ivors Depo. 32:22-25; Janney Depo. 13:23-25; Jenkins Depo. 56:10-13; Joseph Depo. 8:11-14; Judd Depo. 52:23-53:8; Kern Depo. 96:7-16; Kinane Depo. 10:4-5; Knapp Depo. 8:17-19; Lanctot Depo. 182:15-18; Larson Depo. 14:2-4, 101:2-4; Logan Depo. 9:15-17, 13:4-7, 76:14-19; Logan 50(h) 9:18-25; Marx Depo. 90:6-15; Z. Miller Depo. 13:6-9; Parry Depo. 7:9-12; Petrello Depo. 9:20-23; Petrick Depo. 96:1-4; Raymond 50(h) 24:13-15; Richins Depo. 33:23-25; Rochfort Depo. 13:9-11; Rueckner Depo. 55:25-56:03; St. Laurent Depo. 116:16-19; Sanchez Depo. 41:14-16; Sidle 50(h) 64:10-11; Siegel Depo. 73:1-9; Stephens Depo. 95:21-96:12; Trinkl Depo. 35:23-25; Wilson Depo. 58:14-17; T. Wilson Depo. 9:16-19; T. Wilson 50(h) 31:12-14; Wu Depo. 10:21-23; Wu 50(h) 21:9-10).

108. Marchers carried banners, signs and at least one drum, which was beaten and was audible, during the march. (Video Comp., Chapter 2; Galati Depo. (I) 235:7-11; Lewis

CCRB, pp. 5, 7; Martinoff Depo. 88:18-89:3, 104:21-24; D. Shea 81:9-10; Ashbeck Depo. 103:20-25; Beeny Depo. 90:1-18; Benn Depo. 56:23-25, 62:18-19; Capps Depo. 63:22-64:9; Catchpole Depo. 65:20-22; Cavanagh Depo. 64:8-13; Church Depo. 98:11-13; Conwell Depo. 241:7-12, 248:19-20; Crane Depo. 9:24-10:1; N. Curley Depo. 125:17-126:9, 127:2; R. Curley Depo. 40:18-41:3; Debruhl Depo. 88:16-20; De Mott Depo. 70:13-15, 79:15-18; Ditman Depo. 78:8-10; Ditman 50(h) 15:7-9, 17:14-19:11; Doggett Depo. 109:2-4, 116:2-3, 116:16-21; Drummond Depo. 87:13-14; Ekberg Depo. 115:2-5, 116:5-11, 116:21-23; Feinstein Depo. 83:13-15, 95:25-96:1; Flynn 50(h) 65:13-15; Gamboa Depo. 140:24-141:12; G. Gaster Depo. 101:20-24, 102:13-15; T. Gaster Depo. 30:14-15; Goldberg Depo. 112:21, 115:20, 120:7-8; Goldenberg 103:7-14; Gordon Depo. 97:12-14, 109:5-7; Gordon 50(h) 15:24-16:4; Gross Depo. 59:22-60:1, 61:4-5, 66:20-22; Harak 50(h) 7:25; Hedemann Depo. 161:16-18, 163:14-18, 187:13-18; Hill Depo. 212:10-11, 225:8; Hunt Depo. 79:17-18, 80:5-9; Janney Depo. 102:13-16; Jenkins Depo. 56:2-3, 61:17-19; Joseph Depo. 82:15-17; Judd Depo. 45:12-13, 56:7-57:18; Kavanagh Depo. 111:7-13; Kinane Depo. 7:25-8:5; Kocek Depo. 86:4-5, 92:19-22; Logan Depo. 78:20-22, 80:10-11, 87:21-23; Marx Depo. 89:24-90:5; Meisinger Depo. 73:11-15; Migliore Depo. 121:2-12; J. Miller Depo. 31:21-22, 37:24-38:1, 38:4-5; Z. Miller Depo. 152:17-18; Pagoda Depo. 150:8; Pagoda 50(h) 23:7-8; Parrott Depo. 69: 6-13; Petrick Depo. 87:21-22; Raymond 50(h) 24:19-21; Raimondi Depo. 379:23-25, 380:6-381:6; Raimondi 50(h) 21:15-16, 28:18-29:11; Renwick Depo. 62:23-25; Richins Depo. 89:21-22, 96:15-16; Riverbend Depo. 197:22-25, 198:8-20; Robinson Depo. 178:25-179:1; Rochfort Depo. 119:2-6; Trinkl Depo. 42:5-11, 42:22-25, 47:20-48:1; Rosenberg Depo. 127:16-17, 136:3-4; Rueckner Depo. 33:14-17; Sanchez Depo. 58:23; Schiller Depo. 40:14-23, 48:18-21; Steyert Depo. (II) 410:12-411:13;

Williamson Depo. 140:24-141:3, 150:23-24; T. Wilson Depo. 61:7-8; T. Wilson 50(h) 24:22-24; Wu Depo. 66:12-15, 71:23-25).

109. Marchers also wore costumes. (Video Comp., Chapter 2).

**Once The March Began, The Marchers Violated The NYPD's Orders And Directives And Broke The Law**

110. Marchers breached the conditions by the NYPD right from the start of the march. (Video Comp., Chapters 2, 5; Galati Depo. (I) 116:19-117:11, 231:16-19; Griffin Depo. 242:21-243:3; Monahan Depo. (II) 304:5-305:5; Monahan CCRB, pp. 49, 64; J. Shea Depo. 103:24-104:12; O'Sullivan Depo. 31:25-32:10; Rickli Depo. 60:23-61:7; Rivers Depo. 88:16-18, 89:4-7).

111. Contrary to police warnings, marchers blocked vehicular traffic on Church Street while crossing the street. (J. Shea Depo. 103:24-104:7; O'Sullivan Depo. 47:11-48:9).

112. Contrary to police warnings, marchers crossed Church Street against the traffic light. (Video Comp., Chapter 5; Galati Depo. (I) 117:3-9; J. Shea Depo. 103:24-104:2; DeEntremont Depo. 49:3-20; Martinoff Depo. 113:7-17, 181:15-17; Messner CCRB, p. 28; O'Sullivan Depo. 47:11-48:9; Delsante Depo. 50:18-25; Chan Depo. 125:24-126:8; Rickli Depo. 173:9-10; Amato Depo. 119:19-21, 131:17-132:5; Benn Depo. 74:7-14).

113. Contrary to police warnings, marchers failed to walk in either a single or double file while crossing Church Street and/or while walking on Fulton Street. (Video Comp., Chapters 2, 5, 6; Galati Depo. (I) 116:19-117:7, 119:23-120:7, 247:3-8; Griffin Depo. 244:4-6; Martinoff Depo. 200:11-25; Messner CCRB, p. 15; Monahan Depo. (I) 176:3-10, 222:2-8; Monahan CCRB, pp. 11-12; J. Shea Depo. 104:14-16, 128:3-5; O'Sullivan Depo. 31:25-32:10; Ippolito Depo. 63:8-11; Haut Depo. 31:9-10, 32:12-25; Rivers Depo. 88:16-18, 89:4-7; Ingram

Depo. 72:6-10; Stanich Depo. 24:16-20; Amato Depo. 110:6-12, 115:22-116:4, 130:19-131:1; Becker Depo. 143:17-20, 163:15-18, 165:8-13, 180:24-181:2, 181:22-23; Bernard Depo. 36:23-37:4, 39:7-10, 46:3-6; Church Depo. 108:17-24; Cohen Depo. 64:11-12, 70:19-21; Cook Depo. 68:2-7, 81:11-25; N. Curley Depo. 118:1-13; R. Curley Depo. 41:19-22; Davis Depo. 23:17-24:18; De Mott Depo. 67:2-13, 75:23-25, 80:1-6, 81:7-15, 84:20-85:2; Dickerson Depo. 70:13-19, 71:12-17; Ditman Depo. 85:17-21; Doggett Depo. 109:18-21, 110:4-6, 115:4-7; Drummond Depo. 92:10-93:3; Fremont-Smith Depo. 23:10-24, 162:1-7; T. Gaster Depo. 134:2-4, 210:3-4; Glick Depo. 47:10-18; Glick 50(h) 41:11-21; Gordon Depo. 103:12-15, 105:14-19, 130:15-18; Harak Depo. 41:11-15, 44:21-45:2, 146:11-13, 158:19-21; Hedemann Depo. 176:8-12; Hottle Depo. 76:16-77:15; Hunt Depo. 78:8-13, 79:2-4; Ivors Depo. 36:11-22; Janney Depo. 98:21-22, 111:4-10, 112:5-14, 112:22-113:2, 125:17-20, 134:6-8; Jenkins Depo. 66:7-10; Kanouse Depo. 41:22-42:5, 48:8-15; Kocek Depo. 95:16-24, 102:18-20, 106:5-11, 107:11-18; Logan Depo. 84:6-17; Major Depo. 41:13-42:10; Z. Miller Depo. 138:13-16, 23-25, 150:10-15, 158:6-13, 16-20; Pagoda Depo. 136:17-20, 137:24-138:4, 147:16-148:4, 159:6-9; Petrello Depo. 96:6-97:1; Petrick Depo. 96:8-21; Raymond Depo. 118:1-119:2; Renwick Depo. 68:16-69:10; Rigby Depo. 31:17-21; Robinson Depo. 184:20-185:7, 186:10; Rochfort Depo. 120:3-121:5, 141:18-22, 149:23-150:1; Rueckner Depo. 56:25-58:15; St. Laurent Depo. 118:14-21, 119:1-3, 124:13-22; Steyert Depo. (II) 401:20-402:14, 409:13-22, 422:23-25; Williamson Depo. 171:4-8, 172:9-16).

114. Despite the march organizer's assurances to Galati before the march began that that a large banner would be carried parallel to the sidewalk so as not to block pedestrian traffic, marchers rotated the banner across the northern sidewalk of Fulton Street. (Video Comp., Chapter 7; Galati Depo. (I) 116:19-24, 120:4-7, 235:9-10; Griffin Depo. 229:11-25, 230:25-231:14, Griffin CCRB, pp. 10-11; Messner CCRB, p. 15; Monahan Depo. (I) 174:21-24, 175:6-

8; Monahan CCRB, pp. 11-12, 24, 36-37; J. Shea Depo. 104:14-17, 127:22-128:3; Toth Depo. 77:15-24, 100:14-21; Rivers Depo. 61:16-63:22; D. Shea Depo. 144:10-20; Ingram Depo. 69:17-22, 70:9-16, 71:10-13, 71:24-72:5; Dellavalle Depo. 49:21-50:14, 53:23-24; Riverbend Depo. 206:9-12; Wu 50(h) 22:15-21).

115. Contrary to police warnings, marchers obstructed pedestrian traffic on the northern sidewalk of Fulton Street. (Video Comp., Chapter 2; Galati Depo. (I) 116:19-117:7, 119:23-120:07, 196:4-10, 247:3-8; Galati Depo. (III) 581:19-23, 583:14-584:5, 635:17-25, 636:4-15, 639:6-10; Griffin Depo. 232:8-233:7, 244:4-8; Lewis CCRB, pp. 7, 10; Martinoff Depo. 94:13-22, 98:23-99:8, 169:8-14, 178:7-9; Messner CCRB, pp. 15, 27; Monahan Depo. (I) 176:3-10, 222:2-8; Monahan CCRB, p. 13; J. Shea Depo. 104:14-16, 104:25-105:3; O'Sullivan Depo. 48:15-49:14; Chan Depo. 128:11-18; Lewis CCRB, p. 3; Stewart CCRB, pp. 10, 17-18; Toth Depo. 70:4-9, 77:9-14; Haut Depo. 32:12-25; Falcon Depo. 34:21-35:10; Rivers Depo. 116:18-117:22; Venice Depo. 71:3-21; D. Shea Depo. 79:3-80:3, 85:7-14; Dellavalle Depo. 48:10-49:12, 83:21-84:13; Becker Depo. 152:19-24; De Mott Depo. 86:13-87:12; Doggett Depo. 110:4-6, 115:8-10, 116:8-15; Ekberg Depo. 118:3-6; Janney Depo. 126:2-10; Joseph Depo. 86:7-9, 86:14-21; Logan Depo. 85:13-18, 86:20-87:2; Petrick Depo. 97:15-22, 98:22-99:13; Steyert Depo. (II) 426:21-24, 428:21-429:15).

116. Contrary to police warnings, marchers blocked vehicular traffic on Fulton Street. (Monahan CCRB, p. 11).

**NYPD Officers Were Concerned About The Safety Of The Marchers, Themselves, and Others**

117. In the eyes of the NYPD, the marchers were creating a hazardous condition. (Video Comp., Chapter 1; Galati Depo. (I) 132:21-133:9; Monahan Depo. (I) 176:3-10, 222:2-8; J. Shea Depo. 104:3-105:7).

118. The NYPD was concerned about the safety of the marchers. (Monahan Depo. (I) 223:5-20; Galati Depo. (I) 132:21-133:9; J. Shea Depo. 104:3-6).

119. The NYPD was also concerned about the safety of pedestrians and people not participating in the march. (Monahan Depo. (I) 174:13-19, 223:5-20; Galati Depo. (I) 132:21-133:9; J. Shea Depo. 104:23-105:7; Messner CCRB, p. 16).

120. The NYPD was concerned about the march's route against the flow of traffic on Broadway, which could threaten the safety of marchers, officers, or others. (Monahan CCRB, pp. 9-10, 37).

121. Observing the crowded condition of the north sidewalk of Fulton Street, Monahan shouted warnings to marchers as they proceeded that they were blocking the sidewalk, that they were in violation, and that they would be subject to arrest if they continued violating the law. (Galati Depo. (I) 253:8-19; Del Sante Depo. 45:8-11, 21-24; Rivers Depo. 102:4-23, 103:8-12, 104:6-8).

**The NYPD Stopped The March**

122. After Monahan pointed out to Hedemann the fact that the banner in the front of the march had been turned widthwise across the sidewalk, as Hedemann had agreed that the marchers would not do, and after yelling warnings to the marchers behind Hedemann that

they were blocking the sidewalk, Monahan halted the march on Fulton Street before it reached Broadway. (Video Comp., Chapters 2, 7; Monahan Depo. (I) 174:21-176:11; Monahan CCRB, pp. 12, 42; Galati Depo. (I) 115:16-21, 119:9-21, 254:4-6; J. Shea Depo. 105:7-9; Ingram Depo. 69:13-16, 72:21-73:3; Stanich Depo. 25:22-26:7).

123. Monahan halted the march at approximately 4:05 P.M. (Hedemann Depo. 6:17).

### **NYPD Ordered Marchers To Disperse And They Failed To Disperse**

124. After stopping the march, Monahan warned marchers that “you are now blocking pedestrian traffic, if you do not disperse, you will be placed under arrest.” (Video Comp., Chapters 6, 7; Monahan Depo. (I) 176:11-12, 178:19-179:2, 220:15-21; Monahan (II) 313:25-314:3; Monahan CCRB, p. 12; Galati Depo. (III) 598:9-11; Lewis CCRB, pp. 3-4, 5, 10; Griffin CCRB, p. 4; Toth Depo. 61:7-62:12, 64:25-65:6, 70:10-71:10; Venice Depo. 59:5-15, 60:24-61:15, 65:19-22; Jackson Depo. 58:25-59:10; Bhalla Depo. 91:2-4; Evans Depo. 96:1-17).

125. Monahan screamed or yelled this dispersal order to marchers. (Video Comp., Chapters 6, 7; Monahan Depo. (I) 178:25-179:2; Monahan CCRB, pp. 42, 51; Boyle Depo. 120:12-14; Rivers Depo. 102:4-23, 103:8-12, 104:6-8).

126. After stopping the march and giving a dispersal order, Monahan also yelled to the marchers that they were all blocking the sidewalk. (Video Comp., Chapter 7).

127. NYPD had reason to believe that the marchers heard the dispersal orders. (Monahan Depo. (I) 178:25-179:2; Monahan CCRB, pp. 42, 51).

128. NYPD gave marchers opportunity to disperse. (Monahan Depo. (II) 314:8-12; Rickli Depo. 199:4-8).

129. Marchers failed to disperse or to respond in a way that suggested an intent to disperse. (Monahan Depo. (I) 179:24-25; Monahan Depo. (II) 314:8-12; Monahan CCRB, pp. 12, 43, 47, 50; Lewis CCRB, pp. 3-4, 5).

130. After Monahan gave the last dispersal order, Monahan and Galati jointly made a “command decision” that the marchers would be arrested. (Galati Depo. (I) 123:2-5, 125:14-22; Monahan Depo. (I) 180:14-181:2; Monahan CCRB, p. 45).

### **NYPD Ordered Arrests Of The Marchers**

131. Monahan ordered the arrests of the marchers, calling for other officers to assist in cordoning off those to be arrested. (Video Comp., Chapters 2, 7; Monahan Depo. (I) 179:24-180:4; Galati Depo. (I) 254:4-12; DeEntremont Depo. 62:1-19).

132. Monahan identified the group of marchers to be arrested. (J. Shea Depo. 105:18-25).

133. Based on the circumstances, the NYPD believed that the marchers had been given police warnings as a group, and had violated the law as a group acting in concert. (Galati Depo. (I) 124:3-10, 133:20-23, 134:8-21, 135:9-15, 234:17-19, 235:7-11, 247:23-25, 248:23-24; Monahan Depo. (I) 183:15-20, 184:17-19, 184:22-185:3; Monahan (II) 470:11-15; Galati Depo. (III) 638:2-639:4; Lewis CCRB, p. 6).

134. Accordingly, the NYPD believed that each participant in the march was in violation. (Monahan Depo. (I) 186:15-17; Galati Depo. (I) 133:20-23; Galati Depo. (III) 640:19-23).

135. NYPD decided that individuals who had not joined the march were not in violation and that they would not be arrested. (Galati Depo. (I) 124:21-125:2; J. Shea Depo. 105:22-106:10; Monahan CCRB, pp. 52-53, 54).

136. Those prospective marchers who remained on Church Street and did not join the march were not arrested there. (D. Shea Depo. 89:15-25; O'Connor CCRB, p. 32; Hedemann Depo. 254:21-255:17; J. Miller Depo. 14:17-23, 19:17-20; Winkleman Depo. 125:2-126:22, 128:23-129:8, 130:5-7; Shaw Depo. 64:11-15, 65:3-66:25, 68:5-6).

**NYPD Immediately Contained The Arrestees For Identification And Began Arrest Processing**

137. NYPD then contained arrestees on the north sidewalk of Fulton Street to ensure that nobody wandered into the group. (Video Comp., Chapter 2; Galati Depo. (I) 125:25-126:4; J. Shea Depo. 106:20-21; DeEntremont Depo. 61:4-62:19; Monahan CCRB, p. 12; D. Shea Depo. 82:20-83:5).

138. Bicycle officers formed a line on Fulton Street containing arrestees. (Video Comp., Chapter 1; Monahan Depo. (I) 192:12-14; Monahan CCRB, p. 48; Galati Depo. (I) 125:25-126:6; DeEntremont Depo. 61:4-62:8; Griffin Depo. 233:12-20; Martinoff Depo. 108:8-109:8; O'Connor Depo. 49:15-50:16, O'Connor CCRB, p. 9; Rickli Depo. 64:10-14; Ippolito Depo. 76:2-14; Jackson Depo. 59:22-60:2, 61:4-9, 61:17-22; Dellavalle Depo. 69:6-8; Bernard 50(h) 23:25-24:5; R. Curley Depo. 42:14-43:1; Davies 50(h) 12:7-9; Drummond 50(h) 25:25-26:8; Fiorentini 50(h) 21:13-20; Gordon Depo. 112:5-8; Hedemann Depo. 6:18-7:4; Judd Depo. 65:7-11; Kressley Depo. 80:11-13; Meisinger Depo. 67:18-23; J. Miller Depo. 34:6-8; Raimondi Depo. 417:11-12, 427:19-21; Raymond Depo. 159:12-13; Raymond 50(h) 28:17-19, 31:8-11; Richins Depo. 108:22-23; Robinson Depo. 101:1-4; Rosenberg Depo. 136:22-25;

Rueckner Depo. 62:25-63:5; Sanchez Depo. 47:25-48:5, 49:9-11; Schiller Depo. 63:5-8; Steyert Depo. (II) 444:16-17, 445:9-12, 477:3-6; Williamson Depo. 165:14-21; J. Wilson 50(h) 32:5-7; T. Wilson Depo. 88:19-21; T. Wilson 50(h) 34:13-14).

139. Officers on foot formed a second line parallel to the sidewalk containing the arrestees. (Griffin Depo. 233:12-23; Boyle Depo. 48:14-16; Del Sante Depo. 42:16-18, 43:13-15; Fiorentini 50(h) 21:13-20; Larson Depo. 125:5-7; Lovecchio Depo. 56:11-17; Parry Depo. 46:3-6).

140. Monahan ordered officers to seal off the western end of Fulton Street to contain the arrestees. (Video Comp., Chapter 2).

141. On Monahan's orders, bicycle officers sealed off the front of the march so that pedestrians walking westward could not wander into the group and intermingle with the arrestees. (Video Comp., Chapter 2; Galati Depo. (III) 640:24-641:19).

142. NYPD observed no one join the group coming from that direction. (Galati Depo. (III) 641:16-19).

143. Officers then deployed orange fencing containing the arrestees. (Video Comp., Chapter 3; Monahan Depo. (I) 192:17-19; Galati Depo. (I) 125:5-126:7; DeEntremont Depo. 64:11-14, 69:15-20; O'Sullivan Depo. 41:5-8; Martinoff Depo. 110:8-12, 118:23-119:8; O'Connor CCRB, p. 35; Ippolito Depo. 95:19-96:4; Siev Depo. 47:15-48:5; Ashbeck Depo. 105:7; Cook Depo. 86:4-6; Barfield Depo. 162:5-6; Barfield 50(h) 43:8-11; Bernard 50(h) 28:12-13; Burns 50(h) 24:10-13; Crane Depo. 10:19-20; Davies Depo. 38:6-7; Davis 50(h) 17:17-20; Fiorentini 50(h) 21:13-20; Goldenberg Depo. 112:2-5; Gordon Depo. 113:15-20; Harak 45:7-10; Hedemann Depo. 6:18-7:4; Howe 50(h) 17:10-11; Ivors 50(h) 8:20-25; Janney 50(h) 16:15-16; Judd Depo. 65:7-11; Knapp Depo. 106:15-19; Kocek Depo. 101:3-7; Laken Depo. 107:7-9;

LaLonde Depo. 76:20-22; Lanctot Depo. 17:13-15, 161:6-9; Larson Depo. 124:21-23; Logan Depo. 93:4-6, Logan 50(h) 13:13-14; Lovecchio 50(h) 11:14-19; McGee Dep. 39:5-7; J. Miller Depo. 34:21-22; Murray Depo. 71:1-3, 76:4-5; Nicinski Depo. 103:5-6; Pagoda Depo. 144:1-6, Pagoda 50(h) 30:12-17; Parry Depo. 46:18-19; Petrick Depo. 114:12-15; Raimondi 50(h) 27:16-17; Raymond Depo. 159:12-15; Raymond 50(h) 31:8-11; Renwick Depo. 80:13-15; Richins Depo. 108:23-24; Rigby Depo. 35:7-10; Riverbend Depo. 211:6-8, 215:20-25; Rosenberg Depo. 146:24-147:3, 148:12-15; San Marchi Depo. 15:17-19; A. Sensiba 50(h) 22:13-22:17; Steyert 50(h) 23:8-14; J. Wilson 50(h) 33:3-4; T. Wilson Depo. 88:19-21; T. Wilson 50(h) 45:9-10; Zambeck Depo. 28: 20-24)).

144. Once the nets were able to be deployed, officers on foot held the mesh up while the bicycle officers were removed. (Galati Depo. (I) 126:9-16).

145. Officers observed that only those individuals who marched were contained and ultimately arrested. (DeEntremont Depo. 66:11-19, 67:7-11; D. Shea Depo. 84:22-24).

146. Arrestees were removed from behind the mesh, handcuffed, assigned to arresting officers, and placed on a bus. (Video Comp., Chapter 4).

147. Galati instructed his subordinates that arresting officers must have personal knowledge of the conduct of their arrestees or must be informed of that conduct by another officer with personal knowledge. (Galati Depo. (I) 188:11-189:16).

148. Galati's subordinates then instructed their officers to the same effect. (Galati Depo. (I) 190:17-24).

149. Galati believed that all of the officers who effected arrests had either personal knowledge of the conduct of their arrestees or had been informed by another officer with personal knowledge. (Galati Depo. (I) 193:10-14).

150. Some people were released and not arrested, including people that could prove that had not been part of the march. (Galati Depo. (III) 588:14-18; Griffin Depo. 236:13-24; Messner CCRB, pp. 32-33; O'Connor Depo. 53:19-55:12; O'Connor CCRB, pp. 38, 53; Del Sante Depo. 48:10-49:3; Sitro CCRB, pp. 8-9; Siev Depo. 53:15-54:5; Jackson Depo. 64:9-23, 65:23-66:9, 66:14-23, 67:5-8; Dellavalle Depo. 72:17-73:23; Monahan CCRB, p. 57; Burns Depo. 132:7-9, 137:12-17; Flynn Depo. 89:4-6; Flynn 50(h) 77:24-78:3; Goldberg Depo. 17:19-21; Hardie Depo. 77:5-10; Linjawi CCRB, pp. 8, 30; J. Miller Depo. 35:20-23; Paterson Depo. 94:18-21).

151. Individuals with proper press credentials were removed from the group and not arrested. (Galati Depo. (I) 236:9-13; Galati Depo. (III) 588:22-589:7; Martinoff Depo. 170:2-4; O'Connor Depo. 59:19-21, 290:17-23; Benn Depo. 83:3-4; Burns Depo. 137:5; Evans Depo. 76:20-25, 91:9-12; Janney Depo. 140:2-3; Marx Depo. 100:16-17, 101:23-25; J. Miller Depo. 35:23-24; Pagoda Depo. 181:24-182:5; Pardew Depo. 145:3-5; Pardew 50(h) 14:11-18; Paterson Depo. 88:23-89:1, 92:20-24; Wright Depo. 77:2-3).

152. Galati also released an “elderly woman who was having problems breathing.” (Galati Depo. (I) 237:16-238:21, 249:11-15; Galati Depo. (III) 588:19-21).

153. Arrestees were charged with parading without a permit. (Monahan Depo. (II) 319:10-15).

154. Arrestees were charged with disorderly conduct, NY Penal Law §240.20(5), for blocking vehicular or pedestrian traffic. (Monahan Depo. (II) 329:7-330:12).

155. Arrestees were charged with disorderly conduct, NY Penal Law §240.20(6), for failing to comply with an order to disperse. (Monahan Depo. (II) 332:19-333:4).

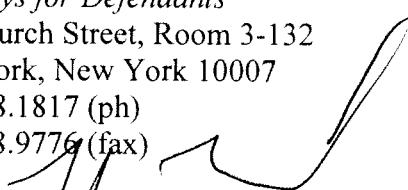
156. After the RNC, an Assistant District Attorney called Monahan and "apologized that they weren't going to go forward, [] she said it was more than enough probable cause to make arrests, but decisions were made above her, and she felt for political reasons that the DA's office was not going to proceed." (Monahan Depo. (I) 196:5-197:7).

157. Notably, New York County Assistant District Attorney Gary Galperin, noticed for deposition by plaintiffs in these RNC cases, testified that as follows: "There could be some situations where a police officer and we in turn could charge someone with a particular offense even if the police officer did not specifically make eye contact or visually observe each defendant. For example, if we know 50 people are blocking an intersection and if we know the 50 people who were apprehended and arrested were all part of the blockage, it wouldn't be necessary necessarily for a police officer to have made eye contact with each of the 50 people as long as we can say with reasonable cause that each of the 50 people were part of the blockage." (Galperin Depo. 160:10-23).

Dated: New York, New York  
October 3, 2011

Respectfully submitted,

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By:

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**EXHIBIT A: SUPPLEMENTAL GLOSSARY TO DEFENDANTS' 56.1 STATEMENT**

<b>Abbreviation</b>	<b>Description</b>
Amato Depo.	Deposition of Joseph Amato, dated May 2, 2007
Ashbeck Depo.	Deposition of Gary Ashbeck, dated Oct. 12, 2007
Barfield 50(h)	50(h) Transcript of Ellen Barfield, dated March 9, 2007
Barfield Depo.	Deposition of Ellen Barfield, dated Oct. 31, 2007
Barrows Depo.	Deposition of David Barrows, dated Oct. 26, 2007
Becker Depo.	Deposition of David Becker, dated June 21, 2007
Beeny Depo.	Deposition of Diane Beeny, dated Nov. 13, 2007
Behling Depo.	Deposition of John Behling, dated Aug. 20, 2007
Benn Depo.	Deposition of Ruth Benn, dated Nov. 7, 2007
Bernard 50(h)	50(h) Transcript of Benjamin Bernard, dated Jan. 25, 2005
Bernard Depo.	Deposition of Benjamin Bernard, dated Nov. 13, 2007
Bhalla Depo.	Deposition of Arun Bhalla, dated Aug. 1, 2007
Boyle Depo.	Deposition of P.O. Michael Boyle, dated June 17, 2005
Burns 50(h)	50(h) Transcript of Daniel Burns, dated Jan. 19, 2005
Burns Depo.	Deposition of Daniel Burns, dated Nov. 14, 2007
Capps Depo.	Deposition of Linnea Capps, dated Sept. 17, 2007
Catchpole Depo.	Deposition of Thomas Catchpole, dated Sept. 20, 2007
Cavanagh Depo.	Deposition of Joan Cavanaugh, dated Oct. 4, 2007
Chan Depo.	Deposition of Sgt. Leslie Chan, dated Aug. 24, 2007
Church Depo.	Deposition of Marc Church, dated July 20, 2007
Cohen Depo.	Deposition of Jeffrey Cohen, dated Aug. 21, 2007
Colville Depo.	Deposition of Mark Colville, dated Nov. 15, 2007
Conwell Depo.	Deposition of William Conwell, dated April 16, 2007
Cook Depo.	Deposition of Colleen Cook, dated Aug. 6, 2007
Crane Depo.	Deposition of Susan Crane, dated Oct. 2, 2007
N. Curley 50(h)	50(h) Transcript of Neal Curley, dated May 23, 2005
N. Curley Depo.	Deposition of Neal Curley, dated March 23, 2005
R. Curley 50(h)	50(h) Transcript of Robert Curley, dated May 23, 2005
R. Curley Depo.	Deposition of Robert Curley, dated March 23, 2005
D'Ornellas Depo.	Deposition of Susan D'Ornellas, dated Nov. 9, 2007
Davies 50(h)	50(h) Transcript of Polly Davies, dated May 26, 2005
Davies Depo.	Deposition of Polly Davies, dated Sept. 13, 2007
Davis 50(h)	50(h) Transcript of Felton Davis, dated July 6, 2005
Davis Depo.	Deposition of Felton Davis, dated Oct. 15, 2007
DeMott Depo.	Deposition of Peter DeMott, dated Nov. 14, 2007
Debruhl 50(h)	50(h) Transcript of Patricia Debruhl, dated March 11, 2005
Debruhl Depo.	Deposition of Patricia Debruhl, dated Sept. 4, 2007
DeEntremont Depo.	Deposition of Captain Paul DeEntremont, dated June 21, 2007
Dellavalle Depo.	Deposition of Detective Tony Dellavalle, dated Sept. 5, 2007
Del Sante Depo.	Deposition of Lt. Chris Del Sante, dated July 16, 2007
Dickerson Depo.	Deposition of Dewayne Dickerson, dated July 26, 2007
Dietzen 50(h)	50(h) Transcript of Matthew Dietzen, dated April 1, 2005
Dietzen Depo.	Deposition of Matthew Dietzen, dated Aug. 21, 2007

Abbreviation	Description
Ditman 50(h)	50(h) Transcript of Walter Ditman, dated Feb. 10, 2005
Ditman Depo.	Deposition of Walter Ditman, dated Sept. 27, 2007
Doggett Depo.	Deposition of Lois Doggett, dated June 14, 2007
Dorais Depo.	Deposition of Jason Dorais, dated Nov. 2, 2007
Drummond 50(h)	50(h) Transcript of Alexander Drummond, dated May 2, 2005
Drummond Depo.	Deposition of Alexander Drummond, dated Sept. 18, 2007
Ekberg Depo.	Deposition of Steven Ekberg, dated Sept. 12, 2007
Evans Depo.	Deposition of Calla Evans, dated June 20, 2007
Falcon Depo.	Deposition of Sgt. Geraldine Falcon, dated Sept. 10, 2007
Feinstein Depo.	Deposition of Adam Feinstein, dated July 25, 2007
Fiorentini 50(h)	50(h) Transcript of Francesca Fiorentini, dated May 18, 2005
Fiorentini Depo.	Deposition of Francesca Fiorentini, dated May 26, 2005
Flynn 50(h)	50(h) Transcript of James Flynn, dated March 1, 2005
Flynn Depo.	Deposition of James Flynn, dated July 6, 2007
Fremont-Smith Depo.	Deposition of Andrew Fremont-Smith, dated Aug. 29, 2007
Galati Depo. (I)	Deposition of Inspector Thomas P. Galati, dated Nov. 29, 2005
Galati Depo. (III)	Deposition of Inspector Thomas P. Galati, dated Feb. 16, 2006
Gale Depo.	Deposition of Howard Gale, dated May 21, 2007
Galperin Depo.	Deposition of ADA Gary Galperin, dated Oct. 18, 2007
Gamboa Depo.	Deposition of Stephen Gamboa, dated Sept. 6, 2007
G. Gaster Depo.	Deposition of Gabriel Gaster, dated Sept. 4, 2007
T. Gaster Depo.	Deposition of Tobias Gaster, dated Dec. 6, 2007
Gibbons Depo.	Deposition of Edward Gibbons, dated Oct. 8, 2007
Glick 50(h)	50(h) Transcript of John Glick, dated May 3, 2005
Glick Depo.	Deposition of John Glick, dated Aug. 23, 2007
Goldberg Depo.	Deposition of Charles Goldberg, dated July 30, 2007
Goldenberg Depo.	Deposition of Oren Goldenberg, dated July 23, 2007
Gordon 50(h)	50(h) Transcript of David Gordon, dated May 17, 2005
Gordon Depo.	Deposition of David Gordon, dated Oct. 30, 2007
Graham Depo.	Deposition of Chief Thomas Graham, dated April 11, 2006
Griffin CCRB	CCRB Interview with Lt. James Griffin, dated June 3, 2005
Griffin Depo.	Deposition of Lt. James Griffin, dated Nov. 1, 2007
Gross 50(h)	50(h) Transcript of Barrett Gross, dated April 14, 2005
Gross Depo.	Deposition of Barrett Gross, dated Oct. 17, 2007
Harak 50(h)	50(h) Transcript of Simon Harak, dated April 4, 2005
Harak Depo.	Deposition of Simon Harak, dated Oct. 15, 2007
Hardie Depo.	Deposition of Richard Hardie, dated Nov. 12, 2007
Haut Depo.	Deposition of P.O. William Haut, dated Dec. 18, 2007
Hedemann Depo.	Deposition of Ed Hedemann, dated Jan. 9, 2008
Hernandez Depo.	Deposition of Kathleen Hernandez, dated Oct. 19, 2007
Hill Depo.	Deposition of Roger Hill, dated Oct. 23, 2007
Hotchkiss Depo.	Deposition of Edward Hotchkiss, dated Sept. 19, 2007
Hottle Depo.	Deposition of Ryan Hottle, dated Oct. 9, 2007
Howe 50(h)	50(h) Transcript of Janet Howe, dated April 14, 2005
Howe Depo.	Deposition of Janet Howe, dated July 20, 2007
Hunt Depo.	Deposition of Benjamin Hunt, dated Aug. 29, 2007
Ingram Depo.	Deposition of Sgt. Michael Ingram, dated Aug. 10, 2007

Abbreviation	Description
Ippolito Depo.	Deposition of P.O. Santo Ippolito, dated Sept. 21, 2007
Ivors 50(h)	50(h) Transcript of Thomas Ivors, dated May 14, 2005
Ivors Depo.	Deposition of Thomas Ivors, dated Nov. 16, 2007
Jackson Depo.	Deposition of Lt. Brian Jackson, dated July 16, 2007
Janney 50(h)	50(h) Transcript of Jennifer Janney, dated May 5, 2005
Janney Depo.	Deposition of Jennifer Janney, dated Sept. 10, 2007
Jenkins Depo.	Deposition of Dwight Jenkins, dated Nov. 9, 2007
Joseph Depo.	Deposition of Michael Joseph, dated Dec. 11, 2007
Judd Depo.	Deposition of Pepper Judd, dated June 11, 2007
Kanouse Depo.	Deposition of Sarah Kanhouse, dated Oct. 11, 2007
Kantor CCRB	CCRB Interview with Jay Kantor, dated Oct. 21, 2004
Kavanagh Depo.	Deposition of Brian Kavanaugh, dated Oct. 18, 2007
Kern Depo.	Deposition of Kimberly Kern, dated Nov. 8, 2007
Kinane Depo.	Deposition of Edward Kinane, dated Nov. 5, 2007
Knapp Depo.	Deposition of Joshua Knapp, dated Aug. 1, 2007
Kocek Depo.	Deposition of Matthew Kocek, dated Oct. 10, 2007
Kressley Depo.	Deposition of Laura Kressley, dated Oct. 1, 2007
Laken Depo.	Deposition of Andrew Laken, dated Oct. 22, 2007
LaLonde Depo.	Deposition of Tessa LaLonde, dated July 13, 2007
Lanctot Depo.	Deposition of Jared Lanctot, dated Oct. 24, 2007
Larson Depo.	Deposition of John Larson, dated Oct. 16, 2007
Lewis CCRB	CCRB Interview with P.O. Josh Lewis, dated Oct. 22, 2004
Linjawi CCRB	CCRB Interview with Yousof Linjawi, dated Sept. 1, 2004
Logan 50(h)	50(h) Transcript of Jonothan Logan, dated May 30, 2005
Logan Depo.	Deposition of Jonothan Logan, dated Oct. 31, 2007
Lovecchio 50(h)	50(h) Transcript of Marielle Lovecchio, dated April 4, 2005
Lovecchio Depo.	Deposition of Marielle Lovecchio, dated Sept. 17, 2007
Major Depo.	Deposition of Rebecca Major, dated June 22, 2007
Martinoff Depo.	Deposition of P.O. Jason Martinoff, dated Oct. 5, 2007
Marx Depo.	Deposition of Jay Marx, dated July 17, 2007
McGee Depo.	Deposition of Ryan McGee, dated Nov. 1, 2007
Meehan Depo.	Deposition of Allisoun Meehan, dated June 25, 2007
Meisinger Depo.	Deposition of Barbara Ann Meisinger, dated June 28, 2007
Messner CCRB	CCRB Interview with Robert Messner, dated July 18, 2005
Migliore Depo.	Deposition of Tristan Migliore, dated July 11, 2007
J. Miller Depo.	Deposition of John Miller, dated July 25, 2007
Z. Miller Depo.	Deposition of Zachary Miller, dated Oct. 3, 2007
Monahan CCRB	CCRB Interview with Chief Terence Monahan, dated Jan. 5, 2006
Monahan Depo. (I)	Deposition of Chief Terence Monahan, dated Dec. 1, 2005
Monahan Depo. (II)	Deposition of Chief Terence Monahan, dated Feb. 21, 2006
Murray 50(h)	50(h) Transcript of Chris Murray, dated June 23, 2005
Murray Depo.	Deposition of Chris Murray, dated Nov. 9, 2007
Nicinski Depo.	Deposition of Blossom Nicinski, dated Nov. 1, 2007
O'Connor CCRB	CCRB Interview with Sgt. Sean O'Connor, dated May 26, 2005
O'Connor Depo.	Deposition of Sgt. Sean O'Connor, dated July 3, 2007
O'Sullivan Depo.	Deposition of Lt. James O'Sullivan, dated July 18, 2007
Pagoda 50(h)	50(h) Transcript of John Pagoda, dated May 3, 2005
Pagoda Depo.	Deposition of John Pagoda, dated Nov. 29, 2006

Abbreviation	Description
Pardew 50(h)	50(h) Transcript of Christine Pardew, dated May 18, 2005
Pardew Depo.	Deposition of Christine Pardew, dated Sept. 24, 2007
Parrott Depo.	Deposition of Jeffrey Parrott, dated Oct. 30, 2007
Parry Depo.	Deposition of Nathaniel Parry, dated Sept. 21, 2007
Paterson Depo.	Deposition of Jeffrey Paterson, dated May 24, 2007
Petrello Depo.	Deposition of Shannon Petrello, dated Sept. 24, 2007
Petrick Depo.	Deposition of Stephen Petrick, dated July 27, 2007
Poe Depo.	Deposition of Katherine Poe, dated Aug. 17, 2007
Raimondi 50(h)	50(h) Transcript of Diane Raimondi, dated March 24, 2005
Raimondi Depo.	Deposition of Diane Raimondi, dated July 27, 2006
Raymond 50(h)	50(h) Transcript of Laura Raymond, dated Feb. 16, 2005
Raymond Depo.	Deposition of Laura Raymond, dated Aug. 2, 2007
Renwick CCRB	CCRB Interview with Bruce Renwick, dated Sept. 17, 2004
Renwick Depo.	Deposition of Bruce Renwick, dated Aug. 29, 2007
Richins Depo.	Deposition of Adam Richins, dated Aug. 15, 2007
Rickli Depo.	Deposition of P.O. Brian Rickli, dated May 19, 2005
Rigby Depo.	Deposition of Shana Rigby, dated Aug. 14, 2007
Riverbend Depo.	Deposition of Deborah Riverbend, dated June 7, 2007
Rivers Depo.	Deposition of Lt. Anthony Rivers, dated Aug. 29, 2007
Robinson Depo.	Deposition of Raymond Robinson, dated July 31, 2007
Rochfort Depo.	Deposition of Lambert Rochfort, dated July 12, 2007
Rosenberg Depo.	Deposition of Ronald Rosenberg, dated July 18, 2007
Rueckner Depo.	Deposition of Devon Rueckner, dated Oct. 23, 2007
St. Laurent Depo.	Deposition of Andrew St. Laurent, dated July 26, 2007
San Marchi Depo.	Deposition of Ronald San Marchi, dated Nov. 2, 2007
Sanchez Depo.	Deposition of Frank Sanchez, dated Sept. 6, 2007
Schiller Depo.	Deposition of Michael Schiller, dated May 24, 2005
Scofield Depo.	Deposition of Steven Scofield, dated Nov. 8, 2007
A. Sensiba 50(h)	50(h) Transcript of Anais Sensiba, dated May 26, 2005
A. Sensiba Depo.	Deposition of Anais Sensiba, dated Sept. 13, 2007
G. Sensiba 50(h)	50(h) Transcript of Gordon Sensiba, dated May 26, 2005
G. Sensiba Depo.	Deposition of Gordon Sensiba, dated Sept. 13, 2007
Shaw Depo.	Deposition of Charles Shaw, dated Oct. 5, 2007
D. Shea Depo.	Deposition of Captain Dermot Shea, dated Oct. 1, 2007
J. Shea Depo.	Deposition of Inspector James Shea, dated Sept. 29, 2006
Sidle 50(h)	50(h) Transcript of Aubryn Sidle, dated April 11, 2005
Siegel Depo.	Deposition of Robert Siegel, dated Oct. 29, 2007
Siev Depo.	Deposition of Lt. David Siev, dated July 10, 2007
Sitro CCRB	CCRB Interview with Joseph Sitro, dated Dec. 9, 2004
Smolka Decl.	Declaration of Bruce Smolka, dated Dec. 1, 2008
Spritzer Depo.	Deposition of Selma Spritzer, dated Sept. 21, 2007
Stanich Depo.	Deposition of Det. Nicholas Stanich, dated Oct. 24, 2007
Stephens Depo.	Deposition of Mora Stephens, dated Sept. 5, 2007
Stewart CCRB	CCRB Interview with P.O. Jason Stewart, dated Dec. 7, 2004
Steyert 50(h)	50(h) Transcript of William Steyert, dated March 14, 2005
Steyert Depo. (I)	Deposition of William Steyert, dated May 26, 2006
Steyert Depo. (II)	Deposition of William Steyert, dated May 30, 2006
Sweet Depo.	Deposition of Deputy Inspector Kerry Sweet, dated Oct. 1, 2007

<b>Abbreviation</b>	<b>Description</b>
Swink Depo.	Deposition of Theresa Swink, dated Aug. 1, 2007
Tepsic Depo.	Deposition of Sarah Tepsick, dated July 10, 2007
Toth Depo.	Deposition of P.O. Steven Toth, dated May 27, 2005
Trinkl Depo.	Deposition of John Trinkl, dated Aug. 27, 2007
Venice Depo.	Deposition of Lt. Anthony Venice, dated Aug. 30, 2007
Williamson Depo.	Deposition of James Williamson, dated Sept. 11, 2007
J. Wilson 50(h)	50(h) Transcript of James Wilson, dated June 9, 2005
J. Wilson Depo.	Deposition of James Wilson, dated Sept. 27, 2007
T. Wilson 50(h)	50(h) Transcript of Teran Wilson, dated June 9, 2005
T. Wilson Depo.	Deposition of Teran Wilson, dated Sept. 6, 2007
Winkleman Depo.	Deposition of John Winkleman, dated July 7, 2006
Wright Depo.	Deposition of Matthew Wright, dated Sept. 10, 2007
Wu 50(h)	50(h) Transcript of Raissa Wu, dated April 26, 2005
Wu Depo.	Deposition of Raissa Wu, dated Aug. 30, 2007
Zambeck Depo.	Deposition of Thomas Zambeck, dated Sept. 25, 2007